



Crl.O.P.No.15823 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Dineshkumar, Pichaiammal, Umarani, Tamilselvan & Mahalakshmi, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 498(A) and 506(i) of IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, in a marital discard, false complaint was given and there was no second marriage as alleged by the defacto complainant. In support of his submission, he also produced the reply notice sent to the Inspector of Police, All Women Police Station by Mahalakshmi alleging that, even if there is a relationship, it is not an offence in Indian Penal Code. Apprehending arrest, this petition is filed.

3. The learned counsel for the intervenor submitted that, when



the 1st marriage between the defacto complainant and 1st accused Dinesh Kumar is in subsistence, 1st accused had married one Mahalakshmi on 05.06.2023. When defacto complainant questioned about the 2nd marriage, on 17.06.2023, she was abused and criminally intimidated. Hence, he opposed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.Side) submitted that, marriage between the defacto complainant and her husband had taken place on 14.09.2016, thereafter, due to misunderstanding, defacto complainant had left the marital house and she is living with her children in her parents house, When defacto complainant questioned her husband/1st accused about the second marriage, she was abused and threatened. Investigation in this case is pending.

5. In response, to this submission, learned counsel for the petitioners submitted that, 5th petitioner/Mahalakshmi was already married to one Selvaraj and she is having children through Selvaraj. Selvaraj is alive and therefore, there is no question of Mahalakshmi marrying the petitioner.

6. In view of the submission of the learned counsel appearing



for parties, the main issue between the parties is with regard to the alleged second marriage conducted between 1st accused and one Mahalakshmi.

As per section 198 of Cr.P.C.,

“No Court shall take cognizance of an offence punishable under Chapter XX of IPC ie., offence leading to marriage, except upon the complaint made by some person aggrieved by the offence”

7. In the said circumstances, learned counsel for the defacto complainant/intervenor cannot canvass about the 2nd marriage in this case. Obviously, FIR cannot be registered for the offence under Section 494 of IPC. Except the allegation that, when defacto complainant questioned about the 2nd marriage, petitioners abused her in filthy language and made criminal intimidation, there is no other allegations made in the FIR. Therefore, this Court is inclined to grant anticipatory bail to the petitioners for the reason that, custodial interrogation of the petitioners is not necessary.

8. Accordingly, petitioners are ordered to be released on bail in



the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Mahila Court, Ariyalur** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either



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during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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