



Crl.O.P.No.16027 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 294 B, 494, 498 A and 506 (1) of I.P.C. in Crime No.08 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that marriage between the first accused and the defacto-complainant had taken place on 09.02.2012. Due to marital discord, they got the marriage dissolved by mutual consent divorce petition in O.P.No.41 of 2021. Thereafter, they again started living by second marriage on 14.02.2022. It is alleged that the allegations against the petitioners are totally false. The marriage between the first accused and defacto-complainant was suppressed to the fourth accused. Second and third accused are not involved in the marital life of first accused. Apprehending arrest, this petition is filed seeking anticipatory bail.



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3.In response, the learned Government Advocate (Criminal side) submitted that first accused had stolen 50 sovereigns of jewels of defacto-complainant and that was used for second marriage with third accused. The accused had made criminal intimidation of killing the defacto-complainant.

4.In reply, the learned counsel for the petitioners submitted that first accused was severely beaten by defacto-complainant and her supporters. First accused had given a police complaint against them. Defacto-complainant entered into an agreement with first accused that both will move the Court for divorce by mutual consent. He produced copies of photographs, and undertaking executed by the first accused and defacto-complainant, in support of his submission.

5.Considered the submissions and perused the records.



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6.In the facts and circumstances of the case narrated above, this Court is of the view that custodial interrogation of the petitioners is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioners. 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 Judicial Magistrate, Sriperumbudur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each 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 everyday at 10.30 a.m., until further



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orders;

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

[d] the petitioners shall not abscond either 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.

24.07.2023



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