



Crl.O.P.No.16556 of 2023

Crl.O.P.No.16556 of 2023

C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.328 of 2023 registered by the respondent Police for the offences under Section 294(b), 323 and 498(A) IPC.

2. It is stated that the petitioner is the husband and the defacto complainant is his own wife. They have daughter aged 7 years and there is yet another child in the womb of the defacto complainant. The matter had been referred to Mediation by my learned Predecessor by an order dated 02.08.2023 but the Mediation process did not bring about any amicable settlement. This Court had directed the petitioner to file an affidavit as to the maintenance amount that he would pay not only to the defacto complainant but also to the daughter and also keep in mind about that an unborn child is now in the womb of his own wife, for which he is a father.

3. It is contended by the learned counsel for the petitioner that the petitioner was already paying a sum of Rs.5000/- (Rupees Five Thousand Only) per month for the daughter and he would pay another sum of



Crl.O.P.No.16556 of 2023

Rs.5000/- (Rupees Five Thousand Only) per month for his wife and also the child in the womb of the wife. It is quite surprising to note that the petitioner values his own daughter for only Rs.5000/- (Rupees Five Thousand Only) per month and values his wife for another Rs.5000/- (Rupees Five Thousand Only) per month even though the wife carrying his child. It would mean that the wife and the child in the womb are totally valued to just Rs. 5000/- (Rupees Five Thousand Only) by the petitioner herein.

4. The learned counsel for the petitioner states that the petitioner is very much interested in looking after his unmarried sister and therefore stated that owing to spending money by the petitioner towards his unmarried sister, the complaint had been lodged.

5. The attitude of the petitioner can never be condoned as he has put up a value for his own wife and a value for his daughter and a value for the unborn child in the womb of the wife.

6. The learned counsel for the petitioner also states that the petitioner is paying a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) for



CrI.O.P.No.16556 of 2023

the rent where the defacto complainant is staying. It is stated that this is the second complaint against the petitioner herein and earlier complaint had also been lodged against the petitioner.

7. It is seen that the petitioner is continuously in the habit of harassing his wife but however, taking into consideration that the defacto complainant should have some mental peace and companionship of the petitioner would only be detrimental to her, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions. **The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) every month directly to the defacto complainant. If the petitioner fails to pay that said amount however, the defacto complainant or the respondent are at liberty to seek cancellation of this order.**

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate at Sriperamputhur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



CrI.O.P.No.16556 of 2023

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 petitioner 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 petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) every month directly to the defacto complainant. If the petitioner fails to pay that said amount however, the defacto complainant or the respondent are at liberty to seek cancellation of this order.

[c] the petitioner shall report before the respondent police daily twice i.e., morning at 10.30 a.m. and evening at 5.30 p.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during



CrI.O.P.No.16556 of 2023

investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

08.11.2023

mkn2



WEB COPY



Crl.O.P.No.16556 of 2023

C.V.KARTHIKEYAN, J.

mkn2

Crl.O.P.No.16556 of 2023

08.11.2023