



Crl.O.P.No.18260 of 2023

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Orders Reserved on
22.09.2023

Orders Pronounced on
27.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioner who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 420 of IPC, registered in Crime No.19 of 2023, seek anticipatory bail .

2. The case of prosecution is that the defacto complainant one Maheswari is working at Tirupur. In the work place, the defacto complainant and one Anand developed love and they got married on 07.12.2011. Out of this marriage, they were blessed with two children. Due to some quarrel between the defacto complainant and her husband, they got divorce on 28.04.2023. Thereafter, the defacto complainant moved to Mayiladuthurai and stayed in her relative's house. The petitioner herein and the defacto complainant became friends, fell in love and got married on 27.06.2023. Next day of the marriage, the petitioner went to his work and never returned back. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the defacto complainant is already a married women with one Anand and got two children. Subsequently, while living near the house of the petitioner, they became friends, they had physical relationship and referred to the averments in the complaint, that they stayed in room at Thirukadaiyur temple, Velankanni Green Park Hotel and also stayed in several places and lived as husband and wife. Hence the defacto complainant has filed a false complaint.

4. The learned Government Advocate (crl.side) would contend that the anticipatory bail petition filed before the District and Sessions Judge, Mayiladuthurai in Crl.MP No.1291 of 2023 was dismissed on 13.07.2023.

5. Per contra, the learned counsel for the intervenor would submit that the earlier complaint given by the very same defacto complainant was taken on file as CSR No.654 of 2022 wherein both the parties have agreed that marriage between the defacto complainant and her husband is still in subsistence.



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6. In view of the rival submission made by both the counsels, this court has directed the respondent police to produce the said file in CSR No.654 of 2022 and the same was perused, whereby I found that there was two statements given by Mughilan and the defacto complainant. Mughilan is aged 22 years and the defacto complainant Maheswari is aged 30 years. On 31.12.2022 the defacto complainant has made a statement that after getting divorce from her first husband, they will conduct the marriage. Now, it is alleged that the defacto complainant and the petitioner got married on 27.06.2023.

7. The learned Government Advocate (crl.side) would submit that the HCP No.1404 of 2023 filed by the parents of one Subashree wherein she was produced before this Court and it is stated before the Division Bench of this Court that she has already married the said Mughilan, petitioner/accused herein and wanted to go with the said Mughilan.

8. Heard the learned counsel for the petitioner as well as the intervenor and the learned Government Advocate (crl.side).



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9. Considering the entirety of circumstances and the submissions made by the respective parties, I am inclined to grant anticipatory bail to the petitioner.

10. 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 is made ready, before the learned **District Munsif cum Judicial Magistrate, Tharangambadi** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum 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 subject himself for medical examination ;



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(c) the petitioner report before the respondent police on Monday, Wednesday and Friday at 10.30 a.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 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]. [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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