



Crl.O.P.No.18887 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.21 of 2023 registered by the respondent Police for the offence under Sections 498A, 406 and 323 of IPC.

2.The defacto complainant is the wife of the first petitioner. They also have two children and the children are in the custody of the defacto complainant.

3.The case of the prosecution is that the first petitioner had extra marital relationship with another lady, necessitating the defacto complainant to give a complaint out of sheer frustration.

4.The learned counsel for the petitioners stated that there is no demand of dowry.

5.However, it is clear that the first petitioner moved away from the marital house.

6.In view of the fact, since there is no direct overt act against the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to them and the petition for anticipatory bail stands dismissed as against the first petitioner.



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7. Accordingly, the petitioners 2 and 3 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, Ambattur, on condition that the petitioners 2 and 3 shall execute a separate 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 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 2 and 3 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 2 and 3 shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 and 3 shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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;

05.10.2023

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