



CrI.O.P.No.19069 of 2023

RMT.TEEKAA RAMAN, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 341, 294(b), 427, 323, 448 & 506(i) of I.P.C in Crime No.389 of 2023, seek anticipatory bail.

2. The case of the prosecution is that petitioners and de-facto complainant viz., Kumari are relatives. The de-facto complainant has one daughter and two sons. Her elder son viz., Vasantha Kumar had married the 1st petitioner in the year 2015 and they have two minor children viz., Sujan Varush (son) and Sainika (daughter). Due to misunderstanding arose between the de-facto complainant's son Vasantha Kumar and his wife (1st petitioner), they were separated and the said Vasantha Kumar filed a petition in O.P.No.398 of 2021 before the VII Additional Family Court, Chennai seeking divorce. Even prior to the filing of said O.P., 1st petitioner had handed over the custody of her two minor children to Vasantha Kumar. Hence, thereafter, the de-facto complainant and her son Vasantha Kumar used to take care of the two minor children. While so, on 17.06.2023, 1st petitioner (wife of Vasantha Kumar), 2nd petitioner (mother of 1st



petitioner), 3rd petitioner (elder sister of 1st petitioner) and two others viz., Sakthi (younger brother of 1st petitioner) and Kumar (uncle of 1st petitioner) have trespassed into the house of de-facto complainant and assaulted her and took away her two minor grand children. Hence, the de-facto complainant lodged a complaint against the petitioners and two others. Based on the complaint of de-facto complainant, the respondent Police registered the FIR in Crime No.389 of 2023 against the petitioners and two others for the offence under Sections 147, 341, 294(b), 427, 323, 448 & 506(i) of I.P.C. Aggrieved over the same, the petitioners have filed the present petition.

3. Mr.U.Ganesh Kumar, learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners have been falsely implicated as accused in this case. Hence, the learned counsel prayed this Court to grant anticipatory bail to the petitioners.

4. Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that now, the two minor



WEB COURT

grand children of de-facto complainant viz., Sujan Varush (son) and Sainika (daughter) are with the de-facto complainant.

5. Considering the facts and circumstances of the case and also, taking note of the fact that now, the two grand children of the de-facto complainant are under the custody of their grand mother (de-facto complainant), this Court is inclined to grant anticipatory bail to the petitioners/Accused 1, 2 & 5 with certain conditions.

6. Accordingly, the 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 is made ready, before the learned Judicial Magistrate, Madhavaram, on condition that the petitioners 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 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 conditions that:



WEB C

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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, as and when required for interrogation.

[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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

30.08.2023

mrr



WEB COPY



RMT.TEEKAA RAMAN, J.

mrr

Crl.O.P.No.19069 of 2023

30.08.2023