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Crl.O.P.No.19556 of 2023

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Reserved On	08.09.2023
Pronounced On	15.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 417, 294(b), 323, 354 A, 355, 506(2) of IPC in Crime No.96 of 2023** on the file of the respondent police, seek anticipatory bail.

2. The *de-facto* complainant is an engineering graduate and she was married to Athithan, the son of the 1st petitioner herein on 13.05.2018 and they begotten two children. It is further alleged that the 25 sovereigns of gold, house-hold articles worth about Rs.3 Lakhs and a car worth about Rs.9 Lakhs were given at the time of the marriage.

3. It is a specific allegation that her husband Athithan suffered from Type -1 Diabetes and HBSAg (Hepatitis B Surface Antigen) disease as mentioned in the discharge summary and they have suppressed the serious condition of their son, who had died on



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06.12.2022. Immediately thereafter, the petitioners herein have tortured the *de-facto* complainant and tried to drive her away from the matrimonial home.

4. The 2nd petitioner is the second wife of the 1st petitioner. Certain allegations have been made in the said complaint. On 10.12.2022, the *de-facto* complainant was subjected to sexual harassment and her cousin sister, who was staying with her was also subjected to sexual harassment as stated therein.

5. Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (Crl.side).

6. A Domestic Violence Case was also given by the *de-facto* complainant/daughter-in-law of the 1st and 2nd petitioner.

7. Considering the nature of the allegations levied against A1, A4 & A5, I am not inclined to grant anticipatory bail to them. Accordingly, as far as the 1st, 4th and 5th petitioners are concerned this Criminal Original Petition is dismissed for the present with a liberty to file a fresh petition on change of circumstances.



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8. Considering the fact that the 2nd and 3rd petitioners are female, I am inclined to grant anticipatory bail to the 2nd and 3rd petitioners alone with certain conditions. Accordingly, 2nd and 3rd 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 No.1, at Chidambaram**, on condition that each of the petitioners 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 2nd and 3rd 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.



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[b] the 2nd and 3rd petitioner shall report before the respondent police every Tuesday and Saturday at 10.30 a.m., until further orders;

[c] the 2nd and 3rd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd and 3rd petitioner 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 2nd and 3rd petitioner in accordance with law as if the conditions have been imposed and the 2nd and 3rd 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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