



Crl.O.P.No.26033 of 2022

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WEB C **T.V.THAMILSELVI, J.**

The petitioners(A2 to A8), who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494, 109, 294(b) and 506(ii) of IPC in Crime No.16 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, the defacto complainant left her matrimonial home and is living separately in her parent's home along with her children. While so, without even obtaining a decree of divorce or consent from the defacto complainant, A1 married 7<sup>th</sup> petitioner herein. When it was questioned by the defacto complainant, A1 along with the petitioners abused her and also threatened her to kill her two children. Hence the complaint.

3.The learned counsel for the petitioners would submit that only the defacto complainant refused to live with A1 and left the matrimonial home and thereafter, she gave a false complaint against them. He would further submit that A1 is ready and willing to pay a sum of Rs.5,000/- per month as interim



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maintenance to the children. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to matrimonial dispute, the defacto complainant left her matrimonial home and is living separately in her parent's home along with her children. While so, without even obtaining a decree of divorce or consent from the defacto complainant, A1 married 7<sup>th</sup> petitioner herein. When it was questioned by the defacto complainant, A1 along with the petitioners abused her and also threatened her to kill her two children.

5. The learned counsel for the Intervenor raised strong objection for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners, learned counsel for the intervenor and also the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Today this matter was listed under the caption 'for reporting



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compliance'.

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8. When the matter came up for hearing on 04.01.2023, this Court granted interim anticipatory bail to the petitioners till 09.02.2023 and directed A1, 4th and 7th petitioners shall jointly deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.16 of 2022, before the concerned Magistrate on or before 24.01.2023. When the matter is taken up today i.e., on 09.02.2023, the learned counsel for the petitioners submitted that as per the direction of this Court, A1, 4th and 7th petitioners are jointly deposited a sum of Rs.2,00,000/- to the credit of Crime No.16 of 2022, to that effect the receipt also produced before this Court.

9. Considering the facts and circumstances of this case that A1 is ready and willing to pay a sum of Rs.5,000/- per month as interim maintenance to the children, this Court is inclined to grant anticipatory bail to the petitioners with conditions:

10. 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



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the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Polur, Thiruvannamalai District**, on condition that 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 and on further condition that:

[a] the petitioners 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 shall report before the respondent police every Saturday at 10.30 a.m., for a period of six months and thereafter as and when required.

[c] A1 is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) per month as interim maintenance to the bank account of the defacto complainant on every first week of English calender month and on such deposit, the defacto complainant is permitted to withdraw the said amount for the welfare of her two children, which should be disbursed by the learned Magistrate on proper identification and acknowledgment.



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

[e]the petitioners 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 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 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.

**09.02.2023**

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