



Crl.O.P.No.23608 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners seek anticipatory bail in Crime No.19 of 2023 registered under Sections 294(b), 498(A), 506(ii) IPC r/w Section 4 of Tamil Nadu Women Harassment Act.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

3.It is stated that the 1st petitioner had married the defacto complainant on 11.02.2019 and a female child was also born on 22.12.2019. It is further stated that for various reasons the defacto complainant left the marital house on 01.9.2022. It is further stated that the 1st petitioner had called her to come back to the marital house but since she did not come, he finally filed O.P.No.22 of 2023, before the Family Court at Dharmapuri. Both the parties were counselled and a memo was also filed by both the parties that they had taken a decision to live with each other and recording that particular fact, O.P.No.22 of 2023 was dismissed as withdrawn.

4.Thereafter, the defacto complainant appears to have given a complaint in which the present FIR has been registered. Since the defacto complainant had taken a conscious decision to live with her husband, a allegations prior to that particular date cannot be taken at its face value. However before counselling they had taken a decision to live together which



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was also recorded.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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 made ready, before the **learned Additional Mahila Court, Alandur** on condition that each of 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 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 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 1st petitioner shall appear before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required the 2nd, 3rd and 4th petitioners as and when required for interrogation.



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[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 **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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