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Crl.O.P.No.29646 of 2022

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T.V.THAMILSELVI, J.

Earlier, this Court by an order dated 15.12.2022 referred this matter for mediation before the Mediation and Conciliation Centre, Poonamallee and directed to post the matter under the caption “For Reporting Compliance”. Accordingly, this matter is listed today.

2. Today, when the matter taken up for hearing, the learned counsel for petitioner would submit that both the defacto complainant and petitioner appeared before the mediation centre and there is no compromise arrived between them during mediation. He would also submit that defacto complainant filed a petition for divorce before the Sub-Court, Poonamallee and both of them are ready to face the trial.

3. On seeing the facts that already both the petitioner and the defacto complainant have filed the petition seeking for their conjugal rights before the Sub-Court, Poonamallee and when the matter already referred for



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mediation, both parties have submitted their submissions and also the fact that as it is a matrimonial dispute between husband and wife, both the petitioner and the defacto complainant are directed to work out their remedy before the appropriate forum. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbudur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which, one surety shall be blood surety**, 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 petitioner and the sureties shall affix their photographs and



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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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of six weeks.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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.

20.01.2023

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