



Crl.O.P.No.30754 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 & 506(2) of IPC in Crime No.20 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein are none other than the mother in law and brother in law of the de-facto complainant and due to family dispute, the petitioners herein along with the other accused persons harassed the de-facto complainant. Hence, this complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, the marriage in between the accused A1 and the de-facto complainant took place on 08.11.2022 and it was the second marriage for the de-facto complainant, however, it is the first marriage for the accused A1 and all the marriage expenses were borne out by the petitioners' family. While so, due to some misunderstanding, there arose some dispute in between the accused A1 and the de-facto complainant and due to which, the de-facto complainant had lodged this false complaint against the petitioners



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and other accused persons in order to wreck vengeance. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the issue involved in the present case is purely a matrimonial dispute in between the de-facto complainant and her husband. Further, the accused A1 was at Malaysia and now he came down to India and earlier the matter was referred to mediation and the mediation proceedings are pending. If the accused A1 again leaves to Malaysia without settling the issue, it will cause great hardships to the de-facto complainant. Hence, he opposed for grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and particularly the submissions made by the learned Government Advocate (Crl. Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the accused A1/husband is directed to surrender his passport before the Trial Court in Crime No.20 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such surrender, the petitioners are ordered to be released on bail in the event of



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arrest or on their appearance, before the **learned Judicial Magistrate, Thiruvottiyur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)**each**, 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 accused A1 shall surrender the passport before the Trial Court in Cr.No.20 of 2022 before the learned Judicial Magistrate, Thiruvotiyur, within a period of four weeks from the date of receipt of a copy of this order and the same shall be kept in Crime Number for a period of three months. If the matter is not settled, the accused A1 is permitted to get back the passport by filing appropriate application and on proper identification and by filing an affidavit of undertaking before the trial Court.

[b] 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.

[c] the petitioners are directed to appear before the respondent police as and when required for



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interrogation.

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

[e] the petitioner 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 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]**.

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

15.02.2023

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