



Crl.O.P.No.26194 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 498 (A) & 506 (i) IPC, in Crime No.434 of 2023, on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.The defacto complainant is the wife of the second petitioner. The first petitioner is the mother of the second petitioner and the third petitioner is his brother. The marriage between the defacto complainant and the second petitioner took place in a temple and according to the learned counsel for the petitioners, he was forced into this marriage. I am not able to understand that particular fact, since he was a equal partner and at that minute of marriage, he was a willing partner. If the second petitioner thinks about his life for sometime, he would reconcile with the defacto complainant. But he is prevented by his mother and brother from doing so since the first and third petitioner claims that he was forced into the marriage. That is a matter for trial.



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4.It is the case of the prosecution that the defacto complainant came to the house of the petitioners and requested them to come over to the Registrar office for registering the marriage and then they quarreled, which escalated into violence leading to lodging of complaint and registration of FIR. Since the second petitioner is the husband of the defacto complainant, he has to realise his responsibility and therefore I am not inclined to grant anticipatory bail to the second petitioner. So far as the first petitioner is concerned, as she is the mother of the first petitioner, I would give her the benefit and anticipatory bail is granted to the first petitioner. But so far as the third petitioner is concerned, anticipatory bail petition is dismissed. The third petitioner/brother, is a stranger to the family. Once his brother gets married he should not have interfered in the life of his own brother.

5.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Chengam, Tiruvannamalai**, on condition that the first 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



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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 first 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.

[b] the first petitioner shall report before the respondent Police, once in a week until further orders.

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

[d] the first 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 first 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]**;



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

6. Accordingly, this Criminal Original Petition stands allowed as
against the first petitioner is concerned and dismissed as against the second
and third petitioners are concerned.

17.11.2023

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