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Crl.O.P.No.391 of 2024

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Crl.M.P.No. 954 of 2024

C.V.KARTHIKEYAN, J.

The impleading Petition Crl.M.P.No. 954 of 2024 is allowed. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 506(ii) of IPC in Crime No. 5 of 2023, seek anticipatory bail.

2. It is stated that the defacto complainant had married the first accused and at that time, her parents gave 50 sovereigns of gold and household items. They conducted reception at a cost of Rs.10/- lakhs. It is stated that thereafter, the first accused had often quarrelled with the defacto complainant which made her to leave the matrimonial house and go over to her mother's house. Thereafter, it is stated that the first accused had an affair with yet another lady and when this was pointed out, the first and fourth accused had attacked the defacto complainant and threatened her and took away all the jewels.

3. The learned counsel for the petitioners in support of these statements also states that he is in possession of photographs of the first accused with that particular lady and states that there is also a thali around the said lady. It is stated that even prior to the marriage, the first accused had yet another marriage with another lady which was accordingly to the learned counsel for the petitioner, frustrated by the village Panchayat. It is stated that in between there was a third marriage with which lady the first accused had relationship. These are issues which will have to be examined during the course of trial.



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4. At any rate, respecting the statements made, this Court had directed the first petitioner as follows on 23.01.2024:-

“The first petitioner to first disclose the name and present address of the lady with whom he said to have married first, prior to the marriage with the defacto complainant.

2. The learned counsel for the petitioner states that there was no marriage but only an engagement ceremony.

3. To verify that aspect by the Investigating Agency that the name and address first disclose to this Court. For disclosing the name and present address, list the matter on 02.02.2024.”

5. The matter had been again listed today and the learned counsel for the petitioner stated that the details has been disclosed to the respondent.

6. The status report had been filed on behalf of the respondent / Inspector of Police/AWPS, Madipakkam, Chennai, wherein it had been stated as follows:-

“In this regard i enquired the defacto complainant Tmt.Nivedhitha as she is having any evidence to trace out about the first marriage of the AI accused. But the defacto complainant did not have any details. Enquired AI accused



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Thiruthala Raghu he produced the wed lock cancellation with one Vennila. He also said only Bedrothal was conducted with Vennila and wedding was cancelled due to family issues.

I also called Dharshini for enquiry she sent an email stating that the A1 accused Thiruthala Raghu is only an offence colleague and she left away from the office of the harrasment of Nivedhitha. She also stated that now she is living in Erode with her husband and in-laws leading a peaceful life.”

7. The learned counsel for the defacto complainant however insisted that the first accused had assaulted the defacto complainant for the reason that she questioned about relationship with other women. It is stated that the defacto complainant had also filed application seeking protection under the Domestic Violence Act. It is also informed that the defacto complainant is now residing with her mother and had left the matrimonial house.

8. An obligation naturally arises for the first petitioner/first accused to pay maintenance and the further issues can be resolved in a competent Court.

9. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 the date on which the order copy made ready, before the learned Additional Mahila Court, Alandur, on condition that the petitioners shall execute a separate 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 this Court 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 first petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders and the second petitioner shall appear before the respondent police once in a week ie., every Monday at 10.30 a.m., for a period of three weeks and the petitioners 3 & 4 shall appear before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] Additionally, the first petitioner shall pay maintenance of Rs.20,000/- to the defacto complainant by depositing the same on or before 10th day of every succeeding month of English calendar in Crime No. 5 of 2023 and on such deposit, the learned Additional Mahila Court, Alandur, may handed it over to the defacto complainant on proper



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identification.

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[d] It is made clear that this is only an interim arrangement made by this Court and if ever the issue of maintenance comes up for consideration, the amounts paid by the first petitioner/first accused under these directions should always be adjusted with any other payment directed by any competent Court of law. It is also made clear that by this payment, the petitioner cannot be taken to have admitted to any of the allegations raised.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

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