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Crl.O.P.No.4291 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.227 of 2023 registered by the respondent Police for the offences punishable under Sections 448 and 506(ii) of IPC.

2. The defacto complainant is the wife of the petitioner. As between the petitioner and the defacto complainant, H.M.O.P.No.3336 of 2023 is now pending before the I Additional Family Court, Chennai wherein the defacto complainant had filed an application seeking divorce. There are two children born to the petitioner and the defacto complainant.

3. The learned counsel for the petitioner stated that he would deposit a sum of Rs.5,000/- as interim maintenance and further amount can be determined by the Family Court in H.M.O.P.NO.3336 of 2023.

4. It is made clear that this amount is independent of any maintenance amount or any other compensation determined by the learned



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1st Additional Family Court, Chennai in H.M.O.P.No.3336 of 2023. If any amount is so determined, it may be adjusted with amount already paid by the petitioner, but this should not be the standard for determining the maintenance.

5. However, taking into consideration without prejudice the issue any further, this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) 10th working day of every month as non-refundable deposit to the credit of Crime No.227 of 2023, before the learned XIII Metropolitan Magistrate Court at Egmore, Chennai. The said amount may be handed over by the learned XIII Metropolitan Magistrate, Egmore, Chennai to the defacto complainant. Deposit of Rs.5,000/- should commence on or before 10.03.2024.**

6. Accordingly, the petitioner is 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 XIII Metropolitan Magistrate Court at Egmore, Chennai**, on condition that the



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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 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the



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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.

7. The learned I Additional Family Court, Chennai may examine the issue of visiting rights, it would be granted to the petitioner.

28.02.2024

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