



Crl.O.P.No.4970 of 2024

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T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A, 323, 494, 294(b), 506(i) of IPC in Crime No.09 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant viz., Prasanthi lodged a complaint stating that she got married with the 1st petitioner in the year 2014, thereafter, she gave birth to a girl child in the year 2015 and another girl child in the year 2020. The petitioners demanded the defacto complainant for want of boy child and therefore, they scolded the defacto complainant in filthy language and attacked her and threatened with dire consequences. Thereafter, the 1st petitioner got married with one Sangeetha and thereby committed Bigamy. Hence the complaint.

3. Mediation report received and it shows that mediation failed and no settlement arrived.



Crl.O.P.No.4970 of 2024

WEB COPY

4. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are son and mother who are the husband and mother-in-law of the defacto complainant. He further submitted that the petitioners scolded the defacto complainant in filthy language for want of boy child and also attacked and threatened her. He also submitted that the 1st petitioner got married with another lady and thereby the 1st petitioner committed bigamy. Hence, he raised strong objection for grant of anticipatory bail to the petitioners.

6. The learned counsel for the intervenor also appeared and raised strong objection for grant of anticipatory bail to the petitioners.



Crl.O.P.No.4970 of 2024

WEB COPY

7. Heard the learned counsel for the petitioner, learned counsel for the intervenor and also the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the Mediation report.

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

(i) the 1st petitioner shall pay a sum of Rs.10,000/- [Rupees Ten Thousand only] per month as interim maintenance to the account of the defacto complainant, until modified by the Court of law.

(ii) the said amount is ordered to be paid from the 1st week of August 2024.

(iii) if any deviation, the anticipatory bail granted to the petitioners shall cancelled automatically.



Crl.O.P.No.4970 of 2024

WEB COPY

9. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate No.1, Tambaram**, on condition that the petitioner 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 the learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

[c] the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;



Crl.O.P.No.4970 of 2024

WEB COPY

[f] 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 has been imposed and the petitioners are released on anticipatory 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]*; and;

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

31.07.2024

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Copy to: The defacto complainant



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Crl.O.P.No.4970 of 2024

T.V.THAMIILSELVI, J.

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Crl.O.P.No.4970 of 2024

31.07.2024