



Crl.O.P.No.6433 of 2024

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 498(A) of IPC in Crime No.2 of 2024, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she got married to the first petitioner and within two months from the date of marriage, she came to know that the first petitioner was having an illegal relationship with another women and when she questioned the same, the first petitioner along with other accused persons threatened the defacto complainant. The further allegation is that she became pregnant but the first petitioner forced her to abort the pregnancy and thereby tortured the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners 2 to 6 are the in-laws of the defacto complainant. He further submits that the defacto complainant filed DVC petition and the same was closed as mistake of fact.



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She also filed maintenance case vide M.C.No.133 of 2023 against the first petitioner to meet her demand. He further submits that they are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor raised strong objections for granting anticipatory bail to the first petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are the close relatives to the defacto complainant. He further submits the first petitioner had an illegal relationship with another women and the other petitioners are the in-laws of the defacto complainant who all tortured the defacto complainant to abort the pregnancy and threatened her with dire consequences. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts of the case and the submissions made by the counsels and also the fact that the defacto complainant and the first petitioner also appeared before this Court, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6. **As far as the first petitioner is concerned, anticipatory bail petition is dismissed.**



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7. Accordingly, the petitioners 2 to 6 are ordered to be released on 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 XVII Metropolitan Magistrate, Saidapet, Chennai*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, 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 2 to 6 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 petitioners 2 to 6 shall report before the respondent police as and when required for interrogation;

[c] the petitioners 2 to 6 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 to 6 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

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appropriate action against the petitioners 2 to 6 in accordance with law as if the conditions has been imposed and the petitioners 2 to 6 are released on bail by the learned Magistrate/Trial Court himself as laid own by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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

8. The first petitioner is directed to pay the interim maintenance of Rs.10,000/- per month to the minor child to the account of the defacto complainant until it is modified by any other court of law.

04.04.2024

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