



Crl.O.P.No.10006 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 498(A) of IPC in Crime No.11 of 2024, seek anticipatory bail.

2. The case of the prosecution is that 1st petitioner/husband had physical relationship with the defacto complainant/wife before marriage itself. It is alleged in the FIR that after marriage, there was a change in 1st petitioner's/husband behaviour due to which, the 1st petitioner with the help of his sister/2nd petitioner had forced the defacto complainant to abort the fetus. When the same was refused, they mixed some tablets in the milkshake to abort the fetus. It is further alleged that they also attacked and threatened the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. It is the contention of the learned



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counsel for the petitioner that petitioners are native of Uttar Pradesh and

1st and 2nd petitioners are working as Manager and Doctor in a private hospital at Chennai. He would submit that defacto complainant is working as Health assistant in the same hospital. Initially, the defacto complainant had love affair with 1st petitioner and the marriage was solemnized at Periyar Self Respect Marriage Bureau, Chennai. Meanwhile, she introduced a 2 ½ year old female child to 1st petitioner that she was her relative and to the shock and surprise of the 1st petitioner, he found two Divorce petitions filed by the defacto complainant against one Ramesh. He would further contend that after marriage only, he came to know that defacto complainant was already married to one Ramesh and a girl child also born to them. Thus, the defacto complainant cheated the 1st petitioner. When the petitioners enquired about the earlier marriage, the defacto complainant lodged a false complaint against them.

4. The learned counsel for the intervenor raised objection stating that before marriage itself, the defacto complainant informed about the 1st



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marriage to the 1st petitioner and now, he is refusing to take care of her and also she got aborted forcibly. Thereby, the petitioners are causing harassment on her. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submit that the both the 1st petitioner and defacto complainant are working in the same hospital, had a love affair and got married. He would submit that based on his instructions only, the defacto complainant filed HMOP petition and the petitioners are causing harassment on her. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. This Court considered the rival submissions made by learned counsels on either side and perused the materials available on record.

7. On perusal of the typed set of papers, it would suggest that defacto complainant was already married to one Ramesh but as on date,



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the said marriage was not dissolved. Hence, the defacto complainant filed divorce petition but the same was not taken on file. It is seen that 1st petitioner and defacto complainant got married at Periyar Self Respect Marriage Bureau, Chennai. After marriage, there is a family dispute between the parties.

8. Considering the facts and circumstances of the case and also considering that fact that both the parties are major and they are worked together in the same hospital, there is a possibility of settlement between the parties if the case is referred to Mediation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

9. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate No.I, Tambaram** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a like sum to the



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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 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 petitioners are directed to report before the respondent police daily at 10.30am., until further orders.

[c] The 1st petitioner and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, High Court, Chennai on 08.05.2024.

[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.



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[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 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];**

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

24.04.2024

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Note:Issue order copy on 25.04.2024.

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