



Crl.O.P.No.10214 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/ accused in Crime No.12 of 2023 registered by the respondent police for the offences punishable under Sections 498A, 294b, 294A, 420, 406 and 506(i) of IPC and Section 75 of Juvenile Justice Act, 2015 seeks anticipatory bail.

2. The earlier application seeking anticipatory bail by the petitioner in Crl.O.P.No.20298 of 2024 had been dismissed by this Court on 01.03.2024. It must also be pointed out that when Crl.O.P.No.20298 of 2024 was pending, my learned predecessor had referred the parties to Mediation in the trust and hope that some settlement would be reached between the parties, but Mediation failed. Thereafter, the matter was again placed for arguments.

3. It is the case of the prosecution that the petitioner herein and the defacto complainant had married in the year 2019. It is a fact that they were both divorcees at the time of marriage. The most crucial of the fact is that the defacto complainant had a young daughter who is now aged about 15 years. It is with respect to her that offences which are alleged against the petitioner



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under Section 75 of Juvenile Justice Act has also been included as one of the offences alleged against the petitioner herein.

4. It is stated that the petitioner herein is an Australian Citizen and after the marriage with the defacto complainant, both of them had shifted over to Australia. They had then come back and settled down in Hyderabad.

5. The learned counsel for the petitioner stated that Hyderabad was the place of residence of the former husband of the defacto complainant.

6. It is the case of the prosecution and reiterated by the learned Government Advocate (Crl.Side) that there are C.C.Tv footages of abuses against the child, both verbal and physical. Once, that comes to the knowledge of this Court, it is only appropriate that caution is exercised while examining the case of petitioner.

7. The status report has been filed on behalf of the respondent, wherein the respondent had stated that consequent to orders of this Court dated 06.06.2024, both the petitioner and the defacto complainant had been



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summoned to the Police Station on 19.06.2024. The petitioner had appeared and had given a statement. The defacto complainant however had raised a protest. It is also seen from the status report that the bank account of the petitioner in Account No.602601217987 in ICICI Bank, M.G. Road Branch, at Bangalore had also been frozen.

8. There is a representation on behalf of the defacto complainant and learned Senior counsel stated that an amount of Rs.65,00,000/- is purportedly lying in the said account. But the account has been frozen and I am confident that nobody could have access to that account, except under the directions of the Metropolitan Magistrate-IX, Saidapet. The grievance of the learned Senior Counsel for the petitioner is that not only this account has been frozen, but the accounts of the relatives of the petitioner have also been frozen.

9. Learned Senior Counsel appearing on behalf of the defacto complainant stated that the petitioner should be called upon to deposit his passport since he is an Australian citizen. But that could not be a condition precedent for grant of anticipatory bail. The conditions which could be imposed are that the petitioner should not tamper the witness and hamper the



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investigation. He must also be available for any purpose before the Investigating Officer as and when required. It is therefore directed that the petitioner should inform the learned Metropolitan Magistrate – IX, Saidapet before he ever takes a decision to leave the shores of this country. It is only on the directions of the Metropolitan Magistrate – IX, Saidapet that the petitioner can take further steps in that regard.

10. The learned Senior Counsel on behalf of the defacto complainant also stated that the access of the petitioner to the child should be restricted. The child is in the custody of the defacto complainant at Hyderabad. The petitioner is at Chennai. If ever any access is sought, then necessary permission may be obtained from the Metropolitan Magistrate – IX, Saidapet and after hearing the defacto complainant, necessary orders may be passed, but not otherwise. The petitioner may exercise caution and restraint in that regard.

11. Taking into consideration the fact that the petitioner had actually appeared during the course of investigation as directed and had also given a statement which shows that he is prepared to cooperate during the course of



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investigation and the change in circumstances that the investigation has also proceeded to a substantial extent, anticipatory bail is granted to the petitioner with certain conditions.

12. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate - IX, Saidapet, on condition that the 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., until further orders.***



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[c] if the petitioner takes a decision to leave the shores of this Country, necessary permission must be obtained before the Metropolitan Magistrate – IX, Saidapet.

[d] if the petitioner seeks to have access to the child, again necessary permission must be obtained from the Metropolitan Magistrate – IX, Saidapet.

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

[f] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

10.07.2024

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