



CrI.O.P.No.11317 of 2024

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498-(A), 294(b), 323, 506(2) of IPC in Crime No.283 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Kaviya in her confession dated 06.04.2024 before the respondent has alleged that the petitioner and the defacto complainant had loved each other through the facebook. On 16.10.2023 she got married to the petitioner before the Inspector of Police AWPS Villupuram. The defacto complainant and the petitioner lived in Poonamallee, Chennai where he is working. At that time the petitioner and defacto complainant have some misunderstanding and dispute between both of them and the petitioner had quarreled and used filthy language to the defacto complainant and he was slapped on her cheek. The petitioner had been to the work, the defacto complainant had



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attempted to hang herself in the rented house on 18.12.2023 and the house owner had asked the petitioner to immediately vacate the house. Hence the defacto complainant was taken to the petitioner's native at Villupuram and was staying with the petitioner's parents. In the petitioner's parents house also, the defacto complainant had cut her hands and threatened to commit suicide on 20.12.2023. Hence the defacto complainant was sent to her parents house on 20.12.2023. On 21.12.2023 the in-laws of the defacto complainant / the petitioner's mother went to the defacto complainant's parent house and told them what had happened. Hence the defacto complainant's mother advised her to go back to her matrimonial house on the same day. On 06.04.2024 the defacto complainant went to the petitioner's residence in Poonamallee and she had some divorce quarrel and dispute between them, at that time the petitioner slapped her and took a knife and threatened the defacto complainant in front of the petitioner's friend namely Hari and Mark. The defacto complainant had some bone injury on her legs and she was taken to the Government Hospital for medical treatment by the neighbors. Hence this case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that some matrimonial dispute between the petitioner and the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of all the factors, anticipatory bail is granted to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.II, Poonamallee*, on



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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 10.00 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



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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]**;

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

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