



Crl.O.P.No.12223 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 506(ii) of IPC in Crime No.1 of 2024, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

3. The petitioner is the father-in-law of the de facto complainant and he is arrayed as A2 in this case. It appears that the petitioner's son/A1 named San Kingsley is married to the de facto complainant on 30.11.2017 and are blessed with a male child on 29.11.2018. On account of the difference of opinion between the de facto complainant and A1, they have started living separately. The first accused has also filed an application in O.P.No.7 of 2023 before this Court for visitation right to visit his minor child and this Court has also allowed the same. On 01.02.2024, the de facto complainant has filed a compliant before the respondent alleging offence under Sections 498(A), 323 and 506(ii) of IPC against the petitioner and his son/husband of the de facto complainant.



4. It is submitted by the learned counsel for the petitioner/A2 that the petitioner is aged about 68 years and when the de facto complainant and A1 decided to part ways, the petitioner was living separately and he no way connected with the matrimonial dispute between the the de facto complainant and A1.

5. Considering the facts and the submissions made by the learned counsel on either side and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to 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 **Additional Mahila Judicial Magistrate, Alandur**, 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:



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[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 appear before the respondent Police 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 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.

23.05.2024

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