



Crl.O.P.No.14032 of 2024

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offences punishable under Section 498(A) of IPC, 1860, in Crime No.21 of 2024, on the file of the respondent Police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were husband and wife got married in the year 2011. The defacto complainant was treated as a slave from the the date of marriage and she and her children were made to stay in the out-house without providing food. The petitioner used to scold the defacto complainant and did not take care of her and children. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case as if he was harassing his wife / defacto complainant and failed to maintain here. He further submits that the petitioner is innocent and he is ready to abide by any condition that may be imposed by this Court and prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the defacto complainant, who is the wife of the



petitioner was harassed by the petitioner and his family members and failed to provide food and shelter to the defacto complainant and children. He further submitted that the defacto complainant and children were forcibly thrown out from the matrimonial home and vehemently opposed for granting anticipatory bail to the petitioner.

5.Taking into consideration the facts and the submissions made by the learned counsel on either side and the fact that the petitioner and the defacto complainant were husband and wife married in the year 2011 and have two children and now due to some misunderstanding between them, she left the matrimonial home along with two little children without getting any maintenance from her husband. In fact, the defacto complainant was maintaining the children with the pension amount of her parents. Considering the above, this Court is inclined to grant anticipatory bail 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 (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Ambattur***, on condition that the petitioner shall execute a bond



for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, **out of which one surety should be a blood surety** 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 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 Court concerned 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 as and when required for interrogation;

[c] the petitioner has to pay a sum of Rs.8,000/- (Rupees Eight Thousand Only) per month to the account of the defacto complainant on the first week of every English Calender Month, until it is modified by any Court of Law and on such deposit, the defacto complainant is permitted to withdraw the said amount on proper identification and acknowledgment;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[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



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has been imposed and the petitioners are 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]***; and

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

7.However, it is seen that there is possibility of settlement between the petitioner and defacto complainant. Hence, the petitioner and the defacto complainant are directed to go for mediation on 27.06.2024 at 11.00 AM at the **Mediation and Conciliation Centre, Madras High Court, Chennai**, before **Ms.Geetha Ramaseshan, (Mobile No.98402 77836)**, who was appointed as the Mediator.

19.06.2024

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T.V.THAMILSELVI, J.

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