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Crl.O.P.No.19964 of 2023

Crl.O.P.No.19964 of 2023
and
Crl.M.P.No.18707 of 2023

C.V.KARTHIKEYAN, J.

The Petitioners seek anticipatory bail in Crime No.16 of 2023 registered by the Respondent Police for the offences under Sections 448, 294B, 498A, 506(ii), 427 and 109 IPC read with Section 4 of Tamil Nadu Women Harassment Act.

2. It is the case of the prosecution that all the Accused persons had attacked not only the wife of the 1st Accused but also the mother-in-law of the 1st Accused. They had ill-treated the wife of the 1st Accused, during the course of her marriage. She had to come back to this Country and was not able to handle the torture of the 1st Accused.

3. The defacto complainant is also represented and had filed an intervening application in Crl.M.P.No.19038 of 2023.

4. The learned counsel for the Petitioners stated that the 1st Accused had surrendered his Passport before the Judicial Magistrate Court at



CrI.O.P.No.19964 of 2023

Nagapattinam. It is stated that the divorce petition is now pending before the Sub Court at Nagapattinam in H.M.O.P.No.112 of 2023.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions that **the 1st Petitioner should pay a maintenance at the rate of Rs.10,000/- (Rupees Ten Thousand only) each to the wife and the child separately and towards the past six months i.e., the arrears of maintenance of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the credit of Crime No.16 of 2023 before the learned District Munsif-cum-Judicial Magistrate Court at Vedaranyam and on such deposit, the learned District Munsif-cum-Judicial Magistrate Court at Vedaranyam may hand over the said amount of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the defacto complainant. The 1st Petitioner may continue to pay a total maintenance of Rs.20,000/- (Rupees Twenty Thousand only) every month and the learned Sub Judge at Nagapattinam may monitor the same and take into consideration that this is only an interim order passed by this Court and may determine the actual maintenance in accordance with the evidence available. This**



Crl.O.P.No.19964 of 2023

particular maintenance amount of Rs.20,000/- (Rupees Twenty Thousand only) should be paid every month by the 1st Petitioner till the disposal of the H.M.O.P.No.112 of 2023, wherein, the final order shall be passed. Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the District Munsif cum Judicial Magistrate Court, Vedaranyam**, 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 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 1st Petitioner should pay a maintenance at the rate of Rs.10,000/- (Rupees Ten Thousand only) each to the wife and the child separately and towards the past six months i.e., the arrears of maintenance of Rs.1,20,000/- (Rupees One



CrI.O.P.No.19964 of 2023

Lakh and Twenty Thousand only) to the credit of Crime No.16 of 2023 before the learned District Munsif-cum-Judicial Magistrate Court at Vedaranayam and on such deposit, the learned District Munsif-cum-Judicial Magistrate Court at Vedaranayam may hand over the said amount of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) to the defacto complainant. The 1st Petitioner may continue to pay a total maintenance of Rs.20,000/- (Rupees Twenty Thousand only) every month and the learned Sub Judge at Nagapattinam may monitor the same and take into consideration that this is only an interim order passed by this Court and may determine the actual maintenance in accordance with the evidence available. This particular maintenance amount of Rs.20,000/- (Rupees Twenty Thousand only) should be paid every month by the 1st Petitioner till the disposal of the H.M.O.P.No.112 of 2023, wherein, the final order shall be passed.

[c] the 1st petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders and the 2nd and 3rd petitioners shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.



CrI.O.P.No.19964 of 2023

WEB COPY

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

[e] the petitioner 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 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]**.

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

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Crl.O.P.No.19964 of 2023

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