



Crl.OP.No.20298 of 2024

Crl.O.P.No.20298 of 2023

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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 matter had actually been argued before my learned Predecessor and it was reserved for orders on 19.09.2023 and orders had been pronounced on 21.09.2023. But, my learned Predecessor had taken the view that it would only be to the advantage of both the petitioner and the defacto complainant if the issues which prevailed between the two of them be referred to mediation.

3. It is informed that the mediation process was a failure and a report had been so filed. In view of that particular fact, the matter has been again argued before this Court.



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

5. 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.

6. The learned counsel for the petitioner stated that Hyderabad was the place of residence of the former husband of the defacto complainant. This is not a new fact to the knowledge of the petitioner herein, but, a fact which would have been known even before the time



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they had settled down in Hyderabad and therefore, having willingly settled down at Hyderabad, I hold that this is a reason now stated as an after thought to level allegations against the defacto complainant. But what is more concerning is the attitude of the petitioner herein towards the young child, she may be his step daughter or even a stranger to him, but it is expected that of all persons, he would exhibit more care, more affection and even if not less hatred towards the child.

7. 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.

8. The learned counsel for the defacto complainant who had filed intervening application stated that the substantial amounts had been transferred to the personal account of the petitioner herein when they were remitted by the father of the defacto complainant. It is stated that



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the father was doing Real Estate Business and the petitioner was accommodated in the said business. But, every amount transferred by the father probably with intention that it should be shared by the petitioner and the defacto complainant was transferred to the individual account of the petitioner .

9. It is also the specific allegation that the petitioner had opened a joint account in his name and in the name of the defacto complainant and the specific stand that the defacto complainant was ignorant about opening of such account.

10. Though the learned counsel for the petitioner stated that it is not possible to open an account without the personal details being divulged of the account holder, still it is contended on behalf of the defacto complainant that she was ignorant about the opening of the said joint account. That is a matter for investigation and can be examined only on evidence tendered by the investigating officer regarding that particular aspect.



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11. Therefore, the entire issue now narrows down to the attitude of the petitioner herein to the young child. The Court has to protect the child from any abuse what so ever.

12. Section 75 of the Juvenile Justice (Care and Protection of Children) Act 2015 provides for punishment for cruelty to a child. It starts with the word "whoever" which would bring under its expose anybody directly or indirectly connected with or even a stranger not at all connected with the child”.

13. The petitioner herein having taken up the responsibility to marry the defacto complainant, had also held out that he would look after the child of the defacto complainant. But unfortunately, hurling abuses, both physical and verbal which is not expected of him and certainly would have shocked the defacto complainant.

14. The learned counsel for the petitioner stated that the defacto complainant had recommenced her relationship with her former husband.



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That does not given any leverage to commit cruelty on the child. The issue could have taken up by him with the defacto complainant if at all there is evidence for the same, but the child should not be the focus of abuse and cruelty. There are also incidents stated about taking away of money of the defacto complainant and also of the conduct of the petitioner herein while in Australia. They are all issues which can be examined at the time of trial, but taking into consideration the safety of the child, I am not inclined to grant anticipatory bail to the petitioner.

15. Accordingly, this Criminal Original Petition is dismissed.

Vv

01.03.2024

C.V.KARTHIKEYAN,J.



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