



Crl.O.P.No.25647 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.18 of 2023 registered by the Respondent Police for the offences under Sections 120B and 494 IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002.

2. The learned Government Advocate (Criminal Side) stated that the defacto complainant is the legally married wife of the Petitioner herein. There had been a marital dispute between them. Due to that, the Petitioner had separated and had married a second time. He also stated that there are two children born to the defacto complainant and one child born through the second marriage.

3. An affidavit had been filed by the learned counsel for the Petitioner stating that the Petitioner is willing to pay a maintenance amount of Rs.1,000/- (Rupees One Thousand only). It is stated also that he had also filed an application seeking divorce which is pending before the Sub Court at Sankari in O.P.No.32 of 2022. It is further stated that an application in



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I.A.No.2 of 2023 filed by the defacto complainant under Section 24 of the Hindu Marriage Act had been dismissed on 22.09.2023.

4. The learned counsel for the Petitioner stated that the Petitioner is willing to pay a sum of Rs.1,000/- (Rupees One Thousand only) and pleaded that the Petitioner is working as a coolie and has to look after his Mother. But he suppressed the fact that he had married for the second time and also had a child through the same. In view of that particular fact pending final decision to be taken in the petition filed seeking divorce relating to maintenance and other aspects, **the Petitioner herein is directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) every month to the credit of Crime No.18 of 2023 before the learned Additional Mahila Court at Erode, on such deposit, the learned Additional Mahila Court at Erode may hand over the said amount to the defacto complainant.** This should continued till the conclusion of the trial. This would also entitle the defacto complainant to seek additional maintenance in a proper manner in O.P.No.32 of 2022 both for herself and for her two children.



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5. Insofar as this Petitioner is concerned, an earlier application seeking anticipatory bail was dismissed on 13.10.2023 in Crl.O.P.No.23660 of 2023. As there is a change in circumstance and an offer made by the Petitioner to pay a maintenance to the defacto complainant, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. 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 Magila Court, Erode, Erode District**, 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:

[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.



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[b] the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) every month to the credit of Crime No.18 of 2023 before the learned Additional Mahila Court at Erode, on such deposit, the learned Additional Mahila Court at Erode may hand over the said amount to the defacto complainant.

[c] the petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.

[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]**.



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

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