



Crl.OP.No.26148 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A2 in Crime No.18 of 2023 registered by the respondent police for the offences punishable under Sections 294(b), 323 494, 498A, and 506(i) of IPC r/w Section 4 of TNPHW Act of 2002 seeks anticipatory bail .

2. It is the case of the prosecution that the defacto complainant had lodged a complaint claiming that the first accused who incidentally is working as a Constable in CRPF in 140 Batallion at Tripura, had agreed to marry her and cheated her and that she had become pregnant and a child was also born. It is also stated that he had actually married the defacto complainant on 22.01.2015 at Sri Karumalai Nadupalani Andavar Temple. A female child was also born on 19.05.2015. Thereafter, it is stated that the first accused had married the present petitioner as second wife and consequent to which, there were quarrels which escalated into violence. The defacto complainant had filed a



Crl.OP.No.26148 of 2023

WEB COPY

criminal complaint before the learned District Munsif-Cum-Judicial Magistrate at Poochampalli in Crl.MP.No5094 of 2023 under Section 156(3) of Cr.P.C. and obtained orders to register First Information Report.

3. Learned counsel for the petitioner however asserted that the petitioner is first wife of the first accused and denied that the defacto complainant ever married the first accused. Those issues are to be tested during trial . Independently, this Court to determine entries in the service records of the first accused had taken a decision to *suomoto* implead the Officer of the Commandant, 140 BN CRPF at Tripura and accordingly there is also a representation by the Senior Standing Counsel on behalf of the said CRPF Unit. The details of the first accused had been forwarded wherein it is stated that according to their records, it is this petitioner who is declared as wife of the first accused. The Statement is recorded. The issue will have to be examined during the course of trial.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



CrI.OP.No.26148 of 2023

WEB COPY

5. 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 District Munsif-Cum-Judicial Magistrate, Poochampalli*** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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.

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of three weeks and there after as and when required for interrogation.



Crl.OP.No.26148 of 2023

WEB COPY

[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]**.

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

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12.02.2024



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Crl.OP.No.26148 of 2023

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Crl.O.P.No.26148 of 2023

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