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Crl.O.P.No.26681 of 2023

and

Crl.M.P.No.19025 of 2023

C.V.KARTHIKEYAN, J.

The petitioners / A2, A3, A4 who apprehend arrest at the hand of the respondent police for offences punishable under Sections 498-A, 494, 294(b), 323, 406 and 506(i) of IPC in Crime No.2 of 2023, seek anticipatory bail.

2.The petitioners herein / A2, A3 and A4 are the father-in-law, mother-in-law and sister-in-law of the defacto complainant.

3.It is contended by the learned counsel for the petitioners that provision under Section 494 IPC can be initiated only on a complaint given and not on a police report. That is an issue, which will have to be examined and agitated independently.

4.It is the case of the prosecution that the 1st accused had married the defacto complainant on 28.06.2017 and owing to continuous harassment by the accused persons, she has left the matrimonial house. It is stated that the 1st accused had thereafter married for a second time and records in this connection has been given.



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5.The defacto complainant had also filed an application seeking to intervene and it is stated that she had also filed an application seeking to pay maintenance before the Family Court and though that was ordered, maintenance amount has also not been paid. It is also contended that the 1st accused had married yet another lady. To this the learned counsel for the petitioners stated that the complaint which had been given had been closed.

6.But irrespective of all the other factors, it is clear that the 1st accused, while the first marriage was subsisting with the defacto complainant, had married yet another lady. That is an issue, which will have to be examined and investigated.

7.The learned counsel stated that the charge sheet has not yet been filed. But that is not in issue here. The main factor is about the alleged offences, which had been committed and which are evident on the face of the records.



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8.Taking all the factors into consideration, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition stands closed.

05.01.2024

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