



WEB COPY



CrI.O.P.No.27631 of 2023

and

CrI.M.P.No.27631 of 2023

C.V.KARTHIKEYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 06.11.2023 for the offences punishable under Sections 498(A), 406, 494, 294(B), 323 and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.2 of 2023, seeks bail.

2.It is contended by the learned counsel for the petitioner 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.

3.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, 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.

4.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, the 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 petitioner stated that the complaint which had been given had been closed.

5. 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.

6. 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 is evident on the face of the records.

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

05.01.2024

smv



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