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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31338 of 2024

1.Thilak
2.Malliga

...Petitioners

Versus

The State Rep by its
The Inspector of Police,
All Women Police Station
T.Nagar, Chennai District
Crime No. 1 of 2024.

...Respondent

For Petitioner(s): Mr.Vijayakumar N.

For Respondent(s): Mr.S.Santhosh, Govt. Adv. [Crl. Side]
Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.1 of 2024 registered for the offences punishable under Section 498(A) IPC, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the first petitioner had married



the de-facto complainant on 02.02.2017. Now, the first petitioner had illegal relationship with another woman. When the same was questioned by the de-facto complainant, the petitioners had used filthy language and harassed her. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the first petitioner is the husband of the de-facto complainant and the second petitioner is the mother of the first accused. He would submit that due to matrimonial dispute a false complaint has been given against the petitioners. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the first petitioner married the de-facto complainant on 02.02.2017. The first petitioner had developed an illegal relationship with another woman. When the same was questioned by the de-facto complainant, the petitioners had used filthy language and harassed her.



He further submits that there are no previous cases against the petitioners.

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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **XVII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioners 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves 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 269 of BNS.

16.12.2024

MSM

A.D.JAGADISH CHANDIRA, J.

MSM



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