



Crl.O.P.No.28449 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 506(1) of IPC in Crime No.28 of 2023, seek anticipatory bail.

2.The 1st petitioner is the husband of the defacto complainant. It is stated that the 1st petitioner is a seafarer and often has to leave the shores of this country on assignments in Merchant Navy. His absence will also be prolonged.

3.It is the case of the petitioners that after marriage which took place in the year 2021, the defacto complainant and the 1st petitioner had gone over to foreign countries like, Scotland and Thailand and it is stated that the 1st petitioner had inflicted innumerable mental agony on the defacto complainant. The learned counsel for the petitioners, however stated that the defacto complainant had given an earlier complaint in which CSR No.701 of 2023 had been registered and the petitioners herein had appeared before the Investigation Officer and had given a letter



expressing intention to live with the defacto complainant. It is stated that this present First Information Report had been registered in what can be termed as a second complaint.

4.The learned counsel for the defacto complainant states that there is every possibility of the 1st petitioner absconding from the judicial process, in view of the nature of his employment.

5.The learned Government Advocate (Criminal Side) for the respondent submitted that in view of the absence of accused investigation can never proceed and the allegations of the defacto complainant will have to be investigated and final report will have to be filed.

6.Taking into consideration the overall picture of the entire issue, this Court is inclined to grant to anticipatory bail to the petitioners, however with the following conditions:

(i) the 1st petitioner must co-operate during the course of investigation and an obligation is placed on the Investigation Officer to complete the investigation and file a



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final report as expeditiously as possible before the jurisdictional Court.

(ii) On filing of such final report, after the same is taken cognizance and when charges are framed, the 1st petitioner must deposit his passport to the jurisdictional Court where the trial is to take place and participate in the trial procedure and ensure that a finality is reached so far as the prosecution case is concerned.

7. Accordingly, the petitioners 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 on which the order copy made ready, before the learned Judicial Magistrate – II, Tambaram, on condition that the petitioner shall execute a separate 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 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.

[b] the 1st petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police weekly once i.e., on every Monday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

30.01.2024

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