

CRL.O.P.No.12534 of 2016**S.VAIDYANATHAN, J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498-A and 506(ii) of IPC r/w. Section 4 of the Dowry Prohibition Act in Crime No.4 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The first petitioner is the husband of the defacto complainant and the petitioners 2 to 5 are her in-laws. The case of the prosecution is that the petitioners harassed the defacto complainant demanding dowry and abused her in a filthy language and threatened her with dire consequences.

3. The learned counsel for the petitioners submitted that the husband of the defacto complainant is working at Vietnam and the defacto complainant lived in the matrimonial home only for two weeks and thereafter she deserted the matrimonial home and settled down in her parents house. As the defacto complainant has not returned from her parents house, the first petitioner was constrained to issue legal notice to the defacto complainant and only as a counter blast, the present false complaint has been lodged by her and the petitioners have not committed any such offence.

4. The learned Government Advocate (Crl. Side) submitted that the first petitioner is not an accused in this case.

5. Taking note of the fact that custodial interrogation may not be required in this case and considering the facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners 2 to 5.

6. Accordingly, the petitioners 2 to 5 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 Judicial Magistrate No.I, Karaikal, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten Thousand Only) with two sureties each for

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a like sum to the to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the second and third petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation and the fourth and fifth petitioners shall appear before the respondent police as and when required for interrogation.

[b] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 5 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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]**.

7. As the first petitioner is not an accused in this case, as far as the first petitioner is concerned, this petition is dismissed.

21.06.2016

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