



CrI.O.P.No.18879 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A) and 506(i) of IPC, in Crime No.19 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. It is alleged that the petitioners caused cruelty by demanding huge dowry from the defacto complainant. It is also alleged that the petitioners harassed the defacto complainant and also attacked her and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that on the complaint lodged by the defacto complainant, the respondent issued CSR and the same was enquired and subsequently closed on the basis of the report submitted by the Social Welfare Officer, Thiruvallur.



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The report categorically revealed that there was no dowry harassment.

The first petitioner is an Advocate and the defacto complainant is also an Advocate. He further submitted that as far as the second petitioner is concerned who is the father of the first accused, he has nothing to do with the crime as alleged by the prosecution. Even as per the case of the prosecution, the second petitioner threatened the respondent over phone as if he is a Judge and offered for a sum of Rs.10,000/- as bribe and told not to register any FIR. In pursuant to the said allegation, the FIR has been registered in Crime No.540 of 2022 in which the respondent remanded the second petitioner without any such allegation. Therefore, the learned Magistrate refused to remand the second petitioner. As far as the third petitioner is concerned, there is absolutely no allegations except bald and vague allegations. Hence, he prays for grant of anticipatory bail to the petitioners.

4. M/s R.Vaigai, the learned Senior Counsel appearing for the Intervener submitted that the first petitioner as well as the defacto complainant are Advocates by profession. The first accused harassed the



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defacto complainant to the core. He had beaten the defacto complainant on so many occasions and she also produced photographs before this Court. The young Advocate sustained injuries and also suffered threat to her life on the hands of the first petitioner. Though, the Social Welfare Officer submitted a report that there was no dowry harassment, the first petitioner tortured the defacto complainant to the core. Hence, she opposed grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners harassed the defacto complainant to the core by demanding huge dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. A perusal of the FIR revealed that the first petitioner compelled and harassed the defacto complainant to watch porn videos and demanded unnatural sexual intercourse. Whenever the defacto complainant refused to do so, she was beaten up by the first accused and due to which she sustained injuries. It is also revealed from the



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photographs produced by the learned Senior Counsel appearing for the Intervener. Insofar as the second and third petitioners are concerned, they are the parents of the first accused. As pointed out by the learned counsel for the petitioner, the second petitioner threatened the respondent over phone. However, the media published a news as if the second petitioner entered into the respondent Police Station in a drunken mode and threatened the respondent Police and he poses himself as a Judge. Though the respondent registered a case in Crime No.540 of 2022 and made request to remand the second petitioner, the learned Judicial Magistrate, Ambattur rejected the remand of the second petitioner. As far as the third petitioner is concerned, she is the mother of the first accused and she fixed CCTV camera in the matrimonial home. She used to watch the movement of the defacto complainant and she ordered the defacto complainant to do other works. Except these allegations, there is no other allegation for demand of dowry. In fact, the Social Welfare Officer conducted a detailed enquiry and found that there was no dowry harassment. Therefore, the complaint lodged by the defacto complainant was already closed.



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7. Thereafter, the defacto complainant filed a petition for direction under Section 156(3) of Cr.P.C in Crl.M.P.No.248 of 2022. However, the learned Judicial Magistrate, Ambattur, rejected the petition filed under Section 156(3) of Cr.P.C. Aggrieved by the same, the defacto complainant filed a revision before this Court in Crl.R.C.No.591 of 2022. This Court by an order dated 06.06.2022, directed to set aside the order passed by the learned Judicial Magistrate, Ambattur and directed the learned Magistrate to pass appropriate orders in Crl.M.P.No.248 of 2022, in accordance with law. Thereafter, the respondent registered an FIR in Crime No.19 of 2022 for the offences punishable under Sections 294(b), 323, 498(A) and 506(i) of IPC.

8. Considering the above facts and circumstances, the custodial interrogation of the first petitioner is very much required in this case. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner. However, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.



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9. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and as far as the petitioners 2 and 3 are concerned, 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 on which the order copy made ready, before the learned Judicial Magistrate, Ambattur, Thiruvallur District, on condition that the petitioners 2 and 3 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 2 and 3 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 petitioners 2 and 3 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.



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[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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