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Crl.O.P.Nos.22421, 22373 and 20994 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners in Crl.O.P.No.22421 of 2022 are A2, A3 and A7 and they apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174(3) of Cr.P.C. @ to Section 498(A), 306. 304(B) I.P.C. in Crime No.262 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The petitioners in Crl.O.P.No.20994 of 2022 are A4 and A5, and they apprehend arrest at the hands of the respondent police for the offence punishable under Sections 174(3) of Cr.P.C. @ to Section 498(A), 306. 304(B) I.P.C. in Crime No.262 of 2022 on the file of the respondent police, seek anticipatory bail.

3.The petitioner in Crl.O.P.No.22373 of 2022 is A6, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 174(3) of Cr.P.C. @ to Section 498(A), 306. 304(B) I.P.C. in Crime No.262 of 2022 on the file of the respondent police, seeks anticipatory bail.



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4.The case of the prosecution as per the defacto complainant viz.

Dawlath is that her daughter Apsa had completed her B.C.A. and that she fell in love with one Thasthagir, the son of Syed Julani and with the consent of both families, their marriage was solemnized on 26.08.2021 as per Muslim rites and customs. The defacto complainant's daughter lived happily only for 10 days, thereafter, her in-laws started to demand more dowry, gold jewellery and they have been continuously harassing her. Since her daughter delivered a female child on 19.05.2022, the family members of the 1st petitioner got disappointed and started to abuse and harassed her. While so, on 21.08.2022, her daughter fell unconscious, when she was taken to the hospital for treatment, the doctor declared her brought dead. Thereby, she has launched a complaint against her son-in-law and other in-laws. Based on which, a case in Crime No.262 of 2022 came to be launched for the offence under Sections 174(3) of Cr.P.C. and based on the alleged suicide note it was altered to Sections 498(A), 306. 304(B) I.P.C.

5.Learned counsel for the petitioners submitted that the petitioners



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are innocent and due to existing dispute between the family, a false complaint has been lodged as if the victim committed suicide on account of the harassment of the petitioners. He added that the marriage between the 1st accused and the victim was a love marriage and thereafter there was a dispute between two families. While so, on 11.07.2022, the victim along with her parents and cousin sisters had trespassed into the house of the petitioners and assaulted A6 viz. Kowsin, the sister of the 1st petitioner and they have also taken away gold jewellery and a sum of Rs.1,60,000/- from her house, for which, a complaint has been lodged by A6 on 11.07.2022 and a case in Crime No.230 of 2022 was registered against the victim and her family members for the offence under Sections 448, 294(b), 323, 506(2), 379 I.P.C., and as a counter blast, A6 name has also been implicated falsely in this case. Later based on the fabricated suicide note, the case has been altered to 498(A), 306 and 304(B) I.P.C.

6.Learned counsel further submitted that the fact remains that the marriage between A1 and the victim is a love marriage and the marriage was conducted with the consent of both families and that for the reasons



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best known to them, the defacto complainant has alleged in the complaint that there is a demand of dowry. He added that the main accused in this case has been granted bail by this Court in Crl.O.P.No.24087 of 2022 dated 11.10.2022. As far as these petitioners are concerned, they are only the family members of the main accused and they have no role to play in this case. He added that R.D.O. enquiry has also been conducted and the report is awaited.

7.Learned Government Advocate (Crl.side) for the respondent police submitted that the petitioners are respectively the parents and relatives of A1. The marriage between A1 and th victim was a love marriage and the petitioners have demanded more dowry from the victim, due to which, she had committed suicide by consuming poison. He added that the victim has also left a suicide note. He further submitted that on the complaint of A6, the sister of A1, a case in Crime No.230 of 2022 has been registered against the victim and her family members for the offence under Sections 448, 294(b), 323, 506(2), 379 I.P.C.,



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8. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police. Perused the materials on record.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. 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, Thirukoilur, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 shall stay at Chennai and report before the North Beach Police Station everyday at 10.30 a.m., for a period of three weeks. Thereafter, they shall report before the respondent police everyday at 10.30 a.m. until further orders.

[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.

12.10.2022

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