



Crl.O.P.No.22838 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(B), 406, 323, 506(i) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No. 9 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sandya Vikashni, who is a Doctor by profession is that her father is a retired IAS officer and that the marriage between the defacto complainant and the 1st petitioner/A1 was solemnized on 15.04.2022. The betrothal expenses were spent by defacto complainant's family and the marriage expenses were spent by the 1st petitioner/A1's family. Further the allegation is that after a few days of marriage, the defacto complainant came to know about the shocking relationship between 1st petitioner/A1 and his friend one Arun Kumar and A1's relationship with other ladies also. It is the further case of prosecution that during their honeymoon trip to Europe, A1 had left the defacto complainant in the



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hotel room alone and had gone out without giving money and phone.

After they returned to India, A1 used to roam with his friends past midnight and the defacto complainant had advised him to avoid such mid night dinners or roaming around the city, due to which, A1 got agitated and had assaulted her several times. When the defacto complainant conveyed the same to her parents in law, her father in law abused her with filthy language and also told her to adjust irrespective of the conduct of his son. Further the allegation is that she was treated like maid servant and she was continuously harassed by her husband and parents in law. Hence, the case.

3. Mr.S.R.Rajagopal, learned counsel appearing for the petitioners would submit that a case of matrimonial discord has been blown out of proportion and an exaggerated complaint has been given. Admittedly, the entire marriage expenses were spent by the petitioners family and that there was no demand of dowry. Even as per the prosecution, there is no allegation of harassment over dowry and only due to matrimonial discord, this false complaint has been given.



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4. Learned counsel for the petitioners would further submit that the marriage between first petitioner and the defacto complainant was solemnized on 15.04.2022 at a prestigious Marriage Hall in Chennai and the entire marriage expenses were spent by the family of the petitioners. After marriage, the first petitioner and the defacto complainant were living in a separate first floor portion of the house. The defacto complainant, who is the daughter of an IAS officer, was accustomed to expensive and luxurious way of life and even prior to the marriage, after engagement, the first petitioner has brought expensive gifts worth about several lakhs of rupees.

5. Learned counsel for the petitioners would submit that even after marriage, the defacto complainant continued with the luxurious style of living. The first petitioner had been acting according to the whims and fancies of the defacto complainant to keep her in good humour. The petitioners family had also spent several lakhs for the honey moon as demanded by the defacto complainant. The first petitioner had taken her in a I class flight. Apart from that the first petitioner has also transferred



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about Rs.3,00,000/- to the account of the defacto complainant and Rs.4,50,000/- to her sister's account. However, the defacto complainant did not live to the expectation of the first petitioner and there was matrimonial discord. Due to matrimonial discord, the first petitioner had issued a legal notice dated 05.09.2022. The very registration of FIR shows it was a counter to 1st petitioner's legal notice dated 05.09.2022. The complainant has been given on 15.09.2022 and based on the influence of the defacto complainant's father, who is a retired IAS Officer, a case has been registered on the very same day itself without any preliminary enquiry. Even taking into consideration the complaint, there is absolutely no allegation of dowry demand and physical cruelty and since the petitioners were unable to satisfy the luxurious way of living of the defacto complainant, a false complaint has been given.

6. Learned counsel would further contend that the whatsapp messages and the statement of account of the first petitioner with the defacto complainant will prove that the petitioners are not at fault. Learned counsel for the petitioners would submit that taking into



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consideration of the entire facts and records and the allegation in the complaint, custodial interrogation of the petitioners may not be required and thereby, he would seek for grant of anticipatory bail to the petitioners.

7. Per contra, Mr.R.Vinothraja, learned Government Advocate (crl.side) would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 15.04.2022 and as per the complaint, she came to know that A1 had relationship with his friend one Arun Kumar and he also had relationship with several other ladies. Further, even during their honeymoon trip to Europe, the first petitioner had harassed her and when the same was conveyed to her parents in law, her father in law abused her with filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

8. Mr.R.Johnsathyan, learned counsel for the Intervenor would submit that it is the case where a girl aged 26 years, who had gone with a fond hope of having a good matrimonial life had been harassed and



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tortured by her husband and her father in law. He would submit that the defacto complainant has got several evidence to show that the first petitioner has relationship with his male friend Arun Kumar and he was also having illicit relationship with other ladies and suppressing the same, the accused have arranged the marriage and thereby, spoiled the future of a young girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

9. Heard the learned counsels and the learned Government Advocate (crl.side) and perused the materials available on record.

10. Perusal of the complaint shows that there is no allegation of physical cruelty and there is no allegation of demand of dowry. Hence, this Court is of the opinion that custodial interrogation of the petitioners may not be required in this case and thereby, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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11. 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 Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai** 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 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 report before the respondent police **every day at 10.30 am for a period of three weeks and thereafter every Saturday at 10.30 am until further orders.**

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



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[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.

23.09.2022

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