



Crl.O.P.No.25521 of 2022

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M.DHANDAPANI, J.,

The petitioner, who apprehend arrest for the alleged offence punishable under Sections 498-A, 506(i) of IPC r/w Section 4 of Dowry Prohibition Act in Crime No.14 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and other accused persons are the in-laws of the defacto complainant respectively. After the marriage the petitioner and his family members demanded dowry of Rs.10,00,000/- and 50 sovereigns of gold from the defacto complainant and driven her away from the matrimonial home. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submits that the petitioner is a Military Man, initially he has refused to receive any Seedhanas from the defacto complainant and thereafter, petitioner along with his family members demanded dowry from the defacto complainant's family. He further submits that investigation is in preliminary stage. Hence, he vehemently opposed for grant of bail to the petitioners.

5. On perusal of the records this Court finds earlier this Court had granted anticipatory bail to the in-laws of the defacto complainant and rejected the anticipatory to the petitioner on the ground that investigation is in preliminary stage. Pursuant to which the petitioner alone has filed two anticipatory bail petitions i.e Crl.O.P.No.20475 and 23062 of 2021 and the same was dismissed by this Court vide order dated on 01.11.2021 and 15.12.2021. After dismissal of the two anticipatory bail petitions the law enforcing agency failed to complete the investigation and take further action in the case even after a lapse of one year.

6 .Admittedly the earlier anticipatory bails application was rejected



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on the ground to grant time for the law enforcing agency to complete the investigation. However this Court is completely dissatisfied with the inaction on the part of the law enforcing agency. Hence, considering the inaction on the part of the law enforcing agency, this court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is 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, Arakkonam* on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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 and on further condition that:

(a) the petitioner shall report 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 petitioner shall report before the respondent police as and when required;



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(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. With the above directions, this Criminal Original Petition is ordered.



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