



Crl.O.P.Nos.26034, 26040 & 26031 of 2022

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WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 406, 506(1) IPC and Section 92 of Rights of Persons with Disabilities Act, 2016 in Crime No.150 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Rajendra Prasad is that the marriage between the defacto complainant's son one Ashish Kumar and the accused one Mounika was solemnized on 22.09.2017 according to Hindu rights and customs at Sree Varaham Hall, Koyambedu, Chennai. The defacto complainant's son is a differently abled person and the accused knowing well about the condition of his son, had agreed for the marriage. Further, the defacto complainant had spent a huge amount for conducting the marriage. Since the accused is from an economically backward family, and as per the undertaking, every month, the defacto complainant has been paying Rs.15,000/- to the mother of his daughter in law. The further allegation is that when the defacto complainant and his wife were on a pilgrimage tour, the accused had taken away the jewels worth about Rs.30,00,000/-



and ran away. Hence, the case.

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3. The learned counsel for the petitioners would submit that the petitioner/accused A1 is the daughter in law of the defacto complainant and the defacto complainant, suppressing that his son is a differently abled person had performed the marriage. Since the petitioner/A1 was unable to bear the humiliation and the torture of the defacto complainant's son, she had left the matrimonial home on 16.03.2022. Thereafter, she had filed a divorce petition in O.P.No.3186 of 2022 before the IV Additional Family Court, Chennai on 04.07.2022 and summons were issued on the defacto complainant's son and he had also appeared before the Court on 12.09.2022 and thereafter, the case was referred to mediation. The defacto complainant's son had also attended the mediation twice and the matter is pending before the family Court. While so, the present false complaint has been given as if the petitioner/accused A1 has committed theft of jewels. Thereby, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner/accused A1 in Crl.O.P.No.26031 of 2022 is the daughter in



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law of the defacto complainant and the petitioners in Crl.O.P.Nos.26034 and 26040 of 2022 are the uncle and mother in law of the petitioner/accused A1, respectively. The petitioner/accused A1 had married the son of the defacto complainant, who is a differently abled person and thereafter, taking advantage of the absence of the defacto complainant and his wife, the petitioner/accused A1 had taken away the jewels worth about Rs.30,00,000/-. He would further submit that the investigation is pending. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Mr.C.Mohanakrishnan, learned counsel appearing for the defacto complainant/Intervenor would submit that the petitioner/accused A1 knowing well that the defacto complainant's son is a differently abled person had agreed for the marriage and the marriage was performed in the year 2017 in a grand manner. The defacto complainant has spent Rs.60,00,000/- for the marriage and as per the agreement, he used to send Rs.50,000/- to the mother of A1. Five years later, when the defacto complainant and his wife went on a pilgrimage tour, taking advantage of the situation, A1 had taken away the jewels worth about Rs.30,00,000/-.

He would submit that it is a novel way of crime committed by the



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petitioner/accused A1 by agreeing to marry the differently abled person and thereafter decamping with valuables. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

7. Considering the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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-I, Poonamalle 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



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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 daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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