



Crl.OP.No.27466 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 506(2) of IPC, 1860 and Section 4 of the Dowry Prohibition Act, 1961 in Crime No.26 of 2021 seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Abinaya is that she got married with the first accused on 06.09.2018. At the time of marriage, the defacto complainant's parents gave 64 sovereigns of gold jewels and silver articles were given to the first accused. Further, the defacto complainant's parents have also paid Rs.4,00,000/- towards medical expenses of the in-laws and further the amount of Rs.6,00,000/- was paid towards loan. The further allegation is that due to the instigation of relatives of her husband had harassed her physically and mentally and demanded Rs.10,00,000/- and also compelled her parents to purchase Breeza Vitra car and thereafter they driven her from the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are respectively younger sister, niece and relatives of the



husband. He also submit that pending this petition the second and third petitioners have been arrested and hence the petition against them has become infructuous and in-respect of the first petitioner is concerned, she being younger sister of her husband had demanded money from the defacto complainant. He would also further submit that the petitioner is married and she is living elsewhere and she was not living along with the defacto complainant and the first accused in the matrimonial home and unnecessarily, the entire family members have roped in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the first petitioner is the sister-in-law of the defacto complainant, she along with other family members instigated her husband/A1 and harassed the defacto complainant for additional dowry and they have also threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the submissions made by both counsel and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the counsel, as far as the 2nd and 3rd petitioners are concerned, they have been arrested and hence the Criminal Original Petition against them is



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dismissed as infructuous and in respect of the first first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Additional Mahila Court, Coimbatore* on condition that the first petitioner shall execute a 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 first petitioner 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 first petitioner shall report before the respondent police every day 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 first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands ordered and the Criminal Original Petition in respect of 2nd and 3rd petitioners is dismissed as infructuous.

10.11.2022

Vv



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