



Crl.O.P.No.26305 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323, 406 and 506(1) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act 2002 in Crime No.11 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the 1st petitioner and the *de-facto* complainant was solemnized on 04.09.2022. Further, the allegation is that the 1st petitioner along with other petitioners who are their relatives had demanded dowry and harassed her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been foisted against them. He would submit that the marriage between the 1st petitioner and the *de-facto* complainant was solemnized on 04.09.2020. Later the *de-facto* complainant insisted the 1st petitioner to have a separate living near



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the house of her mother at Anna Nagar. When that was refused, the *de-facto* complainant left her matrimonial home on 05.04.2021. Thereafter given a false complaint as if there was a demand of dowry. He would further submit that earlier the respondent police had issued notice for the appearance of the petitioners and the petitioners have also appeared for enquiry. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to a matrimonial dispute, 1st petitioner being the husband of the *de-facto* complainant along with other petitioners who are their relatives had demanded dowry and harassed the *de-facto* complainant. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. 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 **Chief Metropolitan Magistrate Court Egmore**, on condition that each of 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further Orders. The 2nd, 3rd, 4th, 5th and 6th petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



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[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.

31.10.2022

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