



Crl.O.P.No.1770 of 2023

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of the Dowry Prohibition Act along with 498(A) and 506(ii) of IPC, in Crime No.3 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the petitioner's wife. At request of the defacto complainant, the petitioner stood as a guarantor for a loan availed by him. Subsequently, the defacto complainant did not repay the loan and a dispute arose between the petitioner and the defacto complainant. Thereafter, the petitioner demanded dowry from his wife after the completion of 17 years of marriage. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner purchased a property in the name of himself and his wife by pledging 75 sovereigns of jewels in the private finance and obtained loan. He would further submit that he is ready and willing to pay a sum of Rs.20,000/- as interim



maintenance to the children. Hence, he prays for grant of anticipatory bail.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant is the brother of the petitioner's wife. At request of the defacto complainant, the petitioner stood as a guarantor for a loan availed by him. Subsequently, the defacto complainant did not repay the loan and the dispute arose between the petitioner and the defacto complainant. Thereafter, the petitioner demanded dowry from his wife after the completion of 17 years of marriage. Hence, he opposed to grant anticipatory bail to the petitioner.

5.The learned counsel for the Intervenor would submit that the petitioner never took care of his family members. The two school going daughters are under the care of their mother. However, he opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and submissions and also taking note of the fact that the petitioner is ready and willing to pay a sum of Rs.20,000/- as interim maintenance to the children, this Court is inclined to grant



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anticipatory bail to the petitioner with conditions:

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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, Thiruvottiyur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 and on further condition that:

[a] the 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 petitioner shall report before the respondent police every Sunday at 10.30 a.m., for a period of eight weeks and thereafter as and when required.

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[c]petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the bank account of the defacto complainant on every first week of English calender month and on such deposit, the defacto complainant is permitted to withdraw the said amount for the welfare of her two children, which should be disbursed by the learned Magistrate on proper identification and acknowledgment.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

30.01.2023

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