



Crl.O.P.No.1560 of 2023

Crl.O.P.No.1560 of 2023 and  
Crl.M.P.No.1649 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 323 and 506(i) of IPC in Crime No.05 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant got married on 10.09.2021 and the said marriage was arranged by the elders of both their families and both of them are divorcees. After the marriage, the petitioner herein used to harass the defacto complainant by attacking her with hands. That apart, the petitioner used to demand dowry and sexually assaulted her. The further allegation is that the petitioner has not yet completed the legal procedures to get divorce from the first marriage and that the accused have taken the jewels of the defacto complainant and refused to return the same. Hence, this case.



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3. The learned counsel for the petitioner submitted that the petitioner is an Auditor by profession and this is second marriage for both the petitioner and the defacto complainant. Right from the date of marriage, there was no cordial relationship between the parties and there used to be frequent quarrels between them. Subsequently, due to misunderstanding they got separated. He further submitted that the defacto complainant being an Advocate, has given a false exaggerated complaint by making weird and false allegations against the petitioners and his own sister. He also submitted that earlier the defacto complainant had given a similar complaint against her first husband and the matter was referred to mediation and during such time, the defacto complainant received an amount of Rs.1,00,000/- from her earlier husband. He reiterated that even against her earlier husband, the defacto complainant had given an exaggerated complainant. He further submitted that earlier the matter was referred to Dowry Prohibition Officer and the Dowry Prohibition Officer, after conducting due enquiry, has held that there was no demand of dowry and also referred the matter to the police, whereas



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since the defacto complainant is an Advocate, the case has been registered against the petitioner and his family members. He submitted that the petitioner is ready to appear before the Dowry Prohibition Officer and to co-operate for the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that based on the complainant given by the defacto complainant, the matter was referred to Dowry Prohibition Officer and that the Dowry Prohibition Officer has given a report that there was no material to substantiate the demand of dowry. He further submitted that as per the complaint, the petitioner's mother is holding the jewels of the defacto complainant.

5. Mr.V.Meenakshi Sundaram, learned counsel for the intervenor submitted that the petitioner has not only harassed the defacto complainant but, he was in the habit of having illicit relationship with his very own sister and he also harassed the defacto complainant



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physically as well as mentally. Further, the petitioner also compelled her to indulge in unnatural sex and also harassed her repeatedly. Further, the mother of the petitioner has taken away 15 sovereigns of gold jewels and 3.5 kgs. of silver articles of the defacto complainant that were given at the time of marriage and that it is the Modus Operandi of the petitioner to demand and receive money from the wife. Even from his earlier wife, the petitioner had received a sum of Rs.10 lakhs. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. In reply, the learned counsel for the petitioner submitted that it is true that there was a settlement between the petitioner and his first wife and during such time, since the first wife was unable to return back his jewels, she paid an amount of Rs.10 lakhs to the petitioner and other than that, the petitioner did not demand any money from his earlier wife. Hence, he prayed for grant of anticipatory bail to the petitioner.

7. Heard both sides and perused the materials available on record.



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8. This Court had earlier referred the matter to medication. But, the medication has filed. Further, the Dowry Prohibition Officer has given a report stating that there was no material to substantiate that there was a demand of dowry.

9. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. 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 on which the order copy is made ready, before **the learned Additional Mahila Court, Egmore, Chennai**, 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, failing



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which, the petition for anticipatory bail shall stand dismissed 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 his Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent Police, everyday 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 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]**.



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

11. Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

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