



WEB COPY



CrI.O.P.No.4243 of 2023

CrI.O.P.No.4243 of 2023  
and CrI.M.P.No.3283 of 2023

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

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 498(A), 294(b), 506(ii), 406, 354, 509, 108, 307 r/w Section 34 IPC and 3(i) 4 of Women Harassment Act, in Crime No.4 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant namely Saranya is that she has completed B.E., M.B.A and currently working in a healthcare consulting firm and that the marriage between her and the 1<sup>st</sup> petitioner was solemnized on 29.10.2020. The further allegation is that the petitioners had harassed her and caused immense and unspeakable trauma both physically and mentally and that they have demanded additional dowry and since she and her parents were unable to give additional dowry, the accused had continuously harassed her and committed cruelty on her and also gone to the extent of murdering her by opening the gas stove and despite she suffered from hypo-thyroid which



CrI.O.P.No.4243 of 2023

had developed after she was is in prolonged period of depression, the accused persons tried multiple attempts to kill her and also induced her to commit suicide and later they have switched off their mobile phones. The further allegation is that the father-in-law of the defacto complainant has also misbehaved with her and attempted to sexually abuse her. Hence, the case.

3.The learned counsel for the petitioners submitted that the marriage between the 1<sup>st</sup> petitioner and the defacto complainant was solemnized on 29.10.2020 and after sometime, the 1<sup>st</sup> petitioner came to know that the defacto complainant was suffering from extreme depression and that she had suicidal tendencies and she was constantly fighting with the 1<sup>st</sup> petitioner and thereby in order to protect himself and his family members he had preferred a complaint before the J6, Inspector of Police, Thiruvannamiyur. However, the case was not taken on file and thereafter, the 1<sup>st</sup> petitioner had filed a complaint under Section 156(3) Cr.P.C., before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai-15. While so, there was serious misunderstanding between the 1<sup>st</sup> petitioner and the



Crl.O.P.No.4243 of 2023

defacto complainant and the 1<sup>st</sup> petitioner being harassed by the attitude of the defacto complainant has got out of the matrimonial home. Whereas, a false complaint has been given as if there was a demand of dowry and that the 1<sup>st</sup> petitioner had attempted to commit murder and prevented her to the extent of committing suicide. He submitted that in an earlier occasion, the 1<sup>st</sup> petitioner has sent a legal notice on 12.10.2022 seeking for dissolution of marriage and also filed H.M.O.P No.5087/2022 seeking for divorce and the same is pending on the file of 1<sup>st</sup> Additional Family Court, Chennai. Further, he submitted that a case of matrimonial dispute has been blown out of proportion. He further submitted that the 2<sup>nd</sup> petitioner/father-in-law and the 3<sup>rd</sup> petitioner/mother-in-law of the defacto complainant were living separately at Tiruchi and the 1<sup>st</sup> petitioner/husband and the defacto complainant/wife were living at Chennai and at present, the jewels are at the hands of the defacto complainant.

4.The learned Government Advocate (Crl.side) submitted that the marriage between the 1<sup>st</sup> petitioner and the defacto complainant was solemnized on 29.10.2020. At the time of marriage, the petitioners have



Crl.O.P.No.4243 of 2023

WEB COPY

not demanded any dowry. But, after marriage, they have demanded dowry and harassed and committed cruelty on her. Further, the father-in-law had misbehaved with her, attempted to sexually abuse her. The petitioners have also attempted to commit murder of the defacto complainant by opening the gas stove and also harassed her instigating her for committing suicide. Thereby, he vehemently opposed the grant of anticipatory bail to the petitioners.

5.The learned counsel for the Intervenor submitted that the petitioners have not only demanded dowry, but also harassed the defacto complainant. Later, they have also instigated the defacto complainant to commit suicide and the father-in-law had also misbehaved and sexually abused her.

6.Heard the learned counsel appearing for the petitioners, learned counsel for the Intervenor and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record including the FIR and the documents filed along with this petition.



CrI.O.P.No.4243 of 2023

WEB COPY

7. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the learned IX Metropolitan Magistrate, Saidapet**, 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 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.



WEB COPY



Crl.O.P.No.4243 of 2023

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

gbi

**[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

gbi

**17.03.2023**

**Crl.O.P.No.4243 of 2023**