



Crl.O.P.No.5126 of 2023

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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) and 406 of IPC, in Crime No.6 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant T.Sandhiya is that she got married to the first petitioner/A1 on 09.12.2018 and that they have got three years old male child. The further allegation is that the first petitioner/A1 had developed illicit intimacy/relationship with several other women and had refused to come to home and that when it was questioned by the de facto complainant, the first petitioner/A1 had assaulted her and driven her out of her matrimonial home. The further allegation is that accompanying with the first petitioner/A1, the second and third petitioner/A2 & A3 (in-laws of the de facto complainant) had assaulted the de facto complainant and also grabbed 5 sovereigns of jewels from her. Out of disbelief, the de facto complainant had given some of her jewels to her mother to



Crl.O.P.No.5126 of 2023

safeguard/secure it but her in-laws harassing her to bring back her jewels from her mother and also the first petitioner/A1 had not taken her back from her parental home and they have also spoiled the things given to her at the time of her marriage as shreedhana articles. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that admittedly there are several matrimonial litigations pending between the parties, the first petitioner/A1 has filed a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights and the petition is pending in H.M.O.P.No.977 of 2022 on the file of the Court of Subordinate Judges/Sub Court, Poonamallee and the de facto complainant has filed a petition under Section 125 of Cr.P.C., for maintenance and the petition is pending in M.C.No.1 of 2023 on the file of the Judicial Magistrate Court No.2, Tiruvallur. He would further submit that even as per the complaint, the de facto complaint has stated that the jewels are with her mother only. Due to matrimonial dispute, the



Crl.O.P.No.5126 of 2023

de facto complainant had deserted the first petitioner/A1 and living in her parental home and a false complaint has been given as if there was a demand of dowry. He would further submit that a case of matrimonial dispute has been blown out of proportion. He would also submit that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the marriage between the first petitioner/A1 and the de facto complainant was solemnized during the year 2018. The further allegation against the first petitioner/A1 is that he had developed illegal intimacy/relationship with several other women and driven the de facto complainant out of her matrimonial home. He would further submit that the petitioners demanded huge dowry from the de facto complainant, abused her with filthy language and also attacked her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



Crl.O.P.No.5126 of 2023

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5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 **learned Judicial Magistrate No.1, Poonamalle**, on condition that **each of the petitioner 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



Crl.O.P.No.5126 of 2023

and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner/A1 shall report before the respondent police everyday at 10.30 a.m., until further orders and the second and third petitioners/A2 & A3 shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.03.2023

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