



Crl.O.P.No.5351 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), 406, 506(1) of IPC in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per the de facto complainant/Uma she is a MBBS graduate and she is working at Rela & MS Hospital. The de facto complainant and the 1st petitioner loved each other and the marriage was solemnized between them on 30.01.2020, due to the marriage wedlock a male child was born to them. At the time of marriage, 35 sovereigns of gold jewels, Toyato Glanza car bearing Registration No.TN 18 BA 3398 and Seethana items worth of Rs.8,00,000/-. Further, the allegations is that the defacto complainant had given an amount of Rs.5,00,000/- to the defacto complainant for starting a business and thereafter the petitioners have continued to harass the defacto complainant by demanding more dowry.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent. Admittedly marriage between the first petitioner and the de facto complainant was love marriage and they belong to two different communities. At the time of marriage, there was no demand for dowry. He would further submit that the de facto complainant had earlier given a complaint before the All Women Police Station, Puzhal on 07.05.2022, based on the complaint, the petitioners were called for an enquiry and during such time, the petitioners were directed to hand over all the house hold articles, jewels and car. Based on the said complaint, the petitioners have returned all the articles and the same was also acknowledged by the de facto complainant. He would further submit that the matrimonial dispute has been exaggerated and a false complaint has been given.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that marriage between the first petitioner and the de facto complainant was performed on 30.01.2020, the first petitioner and his family members harassed and demand more dowry.



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Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the above facts and circumstances of the case and the submissions made on both 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 Judicial Magistrate Court-I, Ambattur, Tiruvallur District**, 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



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bail shall stand dismissed and on further condition that:

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[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police every day at 10.30 a.m., until further orders and the 2nd and 3rd petitioners shall report before the respondent police at 10.30 a.m., for a period of two weeks 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



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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.

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