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CrI.O.P.No.6003 of 2023

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and

CrI.M.P.No.4790 of 2023

S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 420, 406, 506(2), 34, of IPC and 3(1) and 4 of Dowry Prohibition Act, 1961 in Crime No.14 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with four others committed cruelty, ill-treatment against the petitioner's wife Pavithra, after demanding additional dowry from her and the de-facto complainant, who is the father-in-law of the petitioner. Hence, the de-facto complainant foisted a case against the petitioner and four others before the respondent Police. Hence, the case.

3. The learned counsel for the petitioner submitted that the



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marriage between the petitioner and Pavithra was solemnized on 19.02.2018 and subsequently, they got separated due to misunderstanding. On 07.03.2022, the father of the petitioner gave complaint before the R-3 Ashok Nagar Police Station, Chennai against the de-facto complainant and 20 others for their illegal act and the same is pending in C.S.R.No.145 of 2022. Thereafter, the petitioner's wife filed divorce petition on 18.03.2022 and the same is pending before the IV Additional Family Court in H.M.O.P.No.1214 of 2022. There is no allegations made in H.M.O.P. about the demand of dowry as mentioned in FIR. The co-accused who are in-laws of the petitioner were granted anticipatory bail by this Court on 28.12.2022 in Crl.O.P.Nos.32422 & 32433 of 2022. The petitioner is innocent, will neither abscond nor evade the investigation and he will cooperate with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing



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for the respondent police submitted that investigation was completed and charge sheet has been already filed by the respondent Police. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Having regard to the allegations made against the petitioner and also the fact that investigation was already completed and final report is filed by the respondent Police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XVII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



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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. Consequently, the connected Miscellaneous Petition is closed.

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