



Crl.O.P.No.6017 of 2023

WEB COPY

Crl.O.P.No.6017 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 498(A) of IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.2 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant B.Preethi is that the marriage between her and first accused/A1 was solemnized on 28.08.2022 at C.M.Mahal, Walajahpet, Ranipet District and thereafter her husband and in-laws harassed/committed cruelty her and demanded huge dowry from her and the first accused/A1 had kicked her on the stomach resulting in her pregnancy got aborted. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that due to



CrI.O.P.No.6017 of 2023

WEB COPY

matrimonial dispute, a false and exaggerated complaint has been given.

He would further submit that the fact remains that the first petitioner and the de facto complainant are collegemates and during such time, there was a love affair and it is a love-cum-arrange marriage and there was no demand of dowry and later due to misunderstanding, the de facto complainant had gone from the matrimonial home. He would further submit that the Whatsapp messages/chats between the petitioner and the de facto complainant would go to show that the pregnancy got aborted due to various other reasons, whereas, the de facto complainant has now given a false complaint, as if her pregnancy got aborted due to the first petitioner abused and kicked her. 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 on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the first petitioner/A1 is the husband and the second petitioner/A2 is the mother-in-law of the de facto complainant. He would



CrI.O.P.No.6017 of 2023

WEB COPY

further submit that the marriage between the de facto complainant and first petitioner/A1 was solemnized on 28.08.2022 at C.M.Mahal, Walajahpet, Ranipet District. After the marriage, the petitioners/accused had physically and mentally tortured the de facto complainant demanding huge dowry and also misappropriated her while she was 2 months pregnant by aborting her child. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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, the submissions made by the Counsel on either side, 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



CrI.O.P.No.6017 of 2023

from the date on which the order copy made ready before the **learned Judicial Magistrate No.2, Walajahpet, Ranipet District** 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 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 every day at 10.30 a.m., until further orders and the second petitioner/A2 shall report before the respondent police every day 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.



CrI.O.P.No.6017 of 2023

[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.

16.03.2023

arb



WEB COPY



Crl.O.P.No.6017 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.6017 of 2023

16.03.2023