



Crl.O.P.No.6211 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 120B, 498(A), 294(b), 406, 354, 509, 108, 307, 506(ii) read with Section 34 of IPC and Sections 3(i) and 4 of the Dowry Prohibition Act, 1961, in Crime No.4 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant P.Saranya is that she had completed B.E., M.B.A and currently working in a healthcare consulting firm and that the marriage between her and one Bhalakumaran/A1 was solemnized on 29.10.2020. The further allegation is that the petitioners/accused had harassed her and caused immense unspeakable trauma both physically and mentally and that they had demanded additional dowry and since she and her parents unable to give additional dowry, the petitioners/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



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which 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 had switched off their mobile phones. The further allegation is that the father-in-law of the de-facto complainant has also misbehaved with her and attempted to sexually abuse her. Hence the complaint.

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 further submitted that the marriage between the de-facto complainant and one Bhalakumaran/A1 was solemnized on 29.10.2020 and after sometime, A1 came to know that the de-facto complainant was suffering from extreme depression and that she had suicidal tendencies and she was constantly fighting with A1 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, A1 had filed a complaint under Section 156(3) of Cr.P.C., before the learned XVIII



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Metropolitan Magistrate, Saidapet, Chennai - 15. While so, there was a serious misunderstanding between A1 and the de-facto complainant and A1 being harassed by the attitude of the de-facto 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 A1 had attempted to commit murder and prevented her to the extent of committing suicide. He submitted that on an earlier occasion, A1 has sent a Legal Notice on 12.10.2022, seeking for dissolution of marriage and also filed H.M.O.P.No.5087 of 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 father-in-law and mother-in-law of the de-facto complainant are living separately at Trichy and A1 and the defacto complainant are living at Chennai and at present, the jewels are at the hands of the de-facto complainant. He further submitted that the petitioners are relatives of A1. The first petitioner is the brother of A1, the second petitioner is uncle of A1, the third petitioner is aunty of A1, the fourth petitioner is cousin sister of A1 and



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the fifth petitioner is grand father of A1. He further submitted that, a very reading of FIR shows that the petitioners had no role and they had been unnecessarily roped into this case. He reiterated that a case of matrimonial dispute has been blown out of proportion and absolutely there is no demand of dowry. He further submitted that A1 in this case had already been granted anticipatory bail by this Court in Crl.O.P.No.4243 of 2023 on 17.03.2023. He also submitted that the petitioners are ready and willing to furnish solvent sureties and 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) appearing for the respondent Police submitted that the marriage between the de-facto complainant and A1 was solemnized on 29.10.2020. At the time of marriage, the petitioners/accused had not demanded any dowry. But, after the marriage, they had demanded dowry, harassed and committed cruelty on her. Further, the father-in-law of the de facto complainant had misbehaved with her, attempted to sexually abuse her. The petitioners



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had also attempted to commit murder of the de-facto complainant by opening the gas stove and also harassed her, instigating her for committing suicide. Therefore, 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 and the submissions made by the Counsel on 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 IV Metropolitan Magistrate, Saidapet, Chennai** on condition that **each of the petitioner shall execute a separate bond for a sum of**



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**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 petitioners shall report before the respondent police everyday 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



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

**20.03.2023**

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