



Crl.O.P.No.6840 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 323 and 506(I) of IPC, in Crime No.20 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant R.J.Joshna is that the marriage between her and 1st accused/petitioner herein was solemnized on 23.06.2021 and during such time, 77 sovereigns of jewels and 5 Kgs. of silver articles were given and Rs.20 lakh was spent towards marriage expenses. After the marriage, the 1st accused/petitioner herein along with his relatives, harassed the defacto complainant and also demanded further dowry. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to matrimonial dispute, a false complaint has been given by the defacto complainant. He would further submit that the defacto complainant had earlier filed a Domestic



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Violence Case in D.V.C.No.96 of 2022 before the Additional Mahila Court, Thiruvallur, and pending the same, the defacto complainant also filed a petition in Crl.M.P.No.7556 of 2022 for return of Shreedhana properties and the learned Judge, after due enquiry, directed the petitioner to return the jewels and other articles to the defacto complainant pursuant to which, on 08.02.2023, the petitioner handed over the gold jewels and other silver articles to the defacto complainant and the defacto complainant has also submitted necessary receipts for the same before the Protection Officer, District Social Welfare Office, Thiruvallur, on the same day i.e. 08.02.2023. He would further submit that the petitioner is ready to abide by any stringent condition as may be directed by this Court and would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner stating that the petitioner who is the husband of the defacto complainant along with other accused, harassed the defacto complainant and also taken away the jewels of the defacto complainant



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and driven her out from the matrimonial home.

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

6. It is seen from the proceedings of the Protection Officer, District Welfare Office, Thiruvallur, dated 08.02.2023, that as per the directions of the learned Judicial Magistrate, Additional Mahila Court, Thiruvallur, in Crl.M.P.No.7556 of 2022 dated 09.11.2022, the petitioner has handed over all the jewels and other articles to the defacto complainant on 08.02.2023.

7. Considering the above facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

8. 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



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from the date on which the order copy made ready, before **learned Judicial Magistrate-I, Thiruvallur District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during



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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 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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