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Crl.O.P.No.6554 of 2023

Crl.O.P.No.6554 of 2023
and
Crl.M.P.No.4554 of 2023
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), 294(b) and 4 of Dowry Prohibition Act read with 34 of IPC in Crime No.4 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto-complainant Dhakchayani is that the marriage between herself and the first petitioner Vinoth Kumar/A1 was solemnized on 14.02.2022. The further allegation is that the first petitioner(husband) had developed quarrels with the de-facto complainant (wife) for flimsy reasons and demanded dowry. The further allegation is that the first petitioner and accompanied by the second, third and fourth petitioners (in-laws of the de-facto complainant) had harassed her and also demanded dowry and driven her out of her matrimonial home. Hence the complaint.

3. The learned counsel for the petitioners submitted that the marriage between the first petitioner and the de-facto complainant was solemnized on 14.02.2022. On the first day of the marriage itself, the



Crl.O.P.No.6554 of 2023

WEB COPY

de-facto complainant has gone out of the matrimonial home. Later on 13.03.2022, she had given complaint before the W9-Villivakkam Police Station. Thereafter enquiry was conducted and the complaint was withdrawn and once again, she has given complaint before the very same police station. Subsequently, she has given complaint before the office of the Commissioner of Police also. Later she has also filed a petition in D.V.C.No.114 of 2022 before the Additional Mahila Court, Tiruvallur and the same is pending. Based on the closed CSR, the present case has been registered. Further he has stated that the petitioners are innocent persons and they have no role to play in the alleged offences. He also submitted that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent condition that may imposed by this Court. 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 marriage between the first petitioner Vinoth Kumar/A1 and the de-facto complainant was solemnized on 14.02.2022 and at the time of marriage, several gold



Crl.O.P.No.6554 of 2023

jewels and silver articles were given as “sreedhana”. The first petitioner/A1 had committed cruelty on the de-facto complainant and demanded further dowry from her. Hence the case.

5. The learned counsel for the intervenor submitted that the accused had committed matrimonial cruelty on the de-facto complainant and driven her out of the matrimonial home and he vehemently opposed to grant anticipatory bail to the petitioners.

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

7. Considering the above facts and circumstances of the case and the submissions made on either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 Metropolitan Magistrate, Egmore**, on condition that the each of petitioner shall execute a separate bond for a sum of **Rs.25,000/-**



CrI.O.P.No.6554 of 2023

(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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the other petitioners/A2 to A5 shall report before the respondent police everyday at 10.30 a.m., for a period of one week 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



WEB COPY



Crl.O.P.No.6554 of 2023

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

9. In the result, the Criminal Original Petition is ordered. Consequently connected miscellaneous petition is closed.

31.03.2023

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WEB COPY



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Crl.O.P.No.6554 of 2023
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31.03.2023