



CrI.O.P.No.6580 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 Section 498(A) and 506(i) of IPC and Section 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 S.Rekha is that the marriage between her and first accused/A1 was solemnized on 09.12.2005 at PNCG Chinnappan Chettiar Thirumana Mandapam, Sooramangalam, Salem District and thereafter her husband, in-laws and his family members continuously harassed her and demanded additional/huge dowry from her. The further allegation is that the first, sixth and seventh petitioners abetted the de facto complainant to commit suicide. That apart, on 02.03.2013, the first accused/A1 stabbed de facto complainant thrice on her stomach and told that he got married one Shabana and forcibly sent out the de facto complainant from the house. Thereafter, on 03.03.2023, the de facto complainant lodged the present



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complaint after a lapse of ten years and the same was registered in Crime No.4 of 2023 under Sections 498(A) and 506(i) of IPC and Section 4 of the Dowry Prohibition Act, 1961. While so on 06.03.2023, the first accused/A1 sent a notice for divorce and the other accused had attempted to murder her. Hence the complaint.

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 on account of matrimonial dispute, a false and exaggerated complaint has been given. He would further submit that the fact remains that the marriage between the de facto complainant and the first petitioner was solemnized during the year 2005 and there was continuous disputes between themselves and hence, the first petitioner and his entire family members have been falsely implicated as an accused in this case. He would further submit that the fourth and fifth petitioners are relatives of the first petitioner, living elsewhere and they have also unnecessarily roped into this case. He would also submit that the petitioners are ready and willing to furnish



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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 marriage between the de facto complainant and first petitioner/A1 was solemnized on 09.12.2005 at PNCG Chinnappan Chettiar Thirumana Mandapam, Suramangalam, Salem District. He further submitted that from the date of her marriage, the petitioners/accused had committed cruelty on her and demanded additional/huge dowry from her. 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 sides, this Court is



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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 **Additional Mahila Court, Salem**, 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**



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orders; the second, third and sixth petitioners/A2, A3 and A6 shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation and the fourth, fifth and seventh petitioners/A4, A5 and A7 shall report before the respondent police 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 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.

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