



Crl.O.P.No.6888 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 498A, 294(b), 324, 420 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.02 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Saranya is that she got married to the first accused on 22.4.2018. At the time of marriage, 50 sovereigns of jewels and other articles were given for the marriage. Subsequent to the marriage, the defacto complainant and the first accused had gone to U.S.A And they were living there. While so, she came to understand that the first accused was having a relationship with another woman Supriya and when it was questioned, the first accused used to assault and harass the defacto complainant. During such time, she also become pregnant and she had not given any complaint. Later, child was born in U.S.A and



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subsequently, the first accused had returned back to India along with the defacto complainant and child and later, without informing the defacto complainant, left to U.S. and when it was questioned, the in-laws along with their relatives, threatened and abused the defacto complainant and also demanded more dowry. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioner are innocent persons and they have been falsely implicated in this case. He would further submit that the first and second petitioners are the parents of the first accused, the third to fifth petitioners are the siblings of the first accused. He would also submit that even as per the complaint, the allegations of harassment are attributed only as against the first accused and admittedly, no complaint has been given before the authorities in U.S.A and even after the first accused had come back to India, no complaint has been made. The defacto complainant's father is a retired police officer and based on his pressure, a false complaint has been given. He would also submit that proceedings are pending between the first accused and the defacto complainant before the Family Court,



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Thiruvallur in HMOP.No.43 of 2023. The first accused without prejudice to his rights, is ready and willing to deposit a sum of Rs.20,000/- per month to the credit of HMOP.No.43 of 2023 which can be used for the benefit of the child. He would also submit that the petitioners who have no role to play are unnecessarily harassed. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are the inlaws of the defacto complainant. The marriage between the first accused Arunkumar and the defacto complainant was solemnized on 22.4.2018 and thereafter, they had been living in U.S. and during the said period, the first accused had intimacy with another woman and when it was questioned by the defacto complainant, he had harassed her and subsequently, the first accused had returned back to India along with the defacto complainant and child and later, without informing the defacto complainant, left to U.S. and when it was questioned, the in-laws along with their relatives, threatened and abused the defacto complainant and also demanded more dowry.



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5. The learned counsel for the Intervenor would vehemently oppose for grant of anticipatory bail to the petitioners stating that the petitioners had withheld the passport of the defacto complainant till the Visa period was over and that the petitioners have harassed the defacto complainant by demanding additional dowry.

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

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner 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 Additional Mahila Court, Thiruvallur**, on condition that the petitioners



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shall execute a separate 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 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]As per the undertaking given by the learned counsel for the petitioners, the first petitioner shall deposit a sum of Rs.20,000/- per month to the credit of HMOP.No.43 of 2023 on or before 10th every English Calender Month which can be used by the defacto complainant for the welfare of the child;

[c] the petitioners 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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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