



Crl.O.P.No.7406 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 323, 498(A), 294(b), 506(ii) of IPC r/w Section 4 of DP Act r/w Section 67(A) of Information Technology Act in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Sabiyuna is that the marriage between her and the first accused was performed as per the muslim rites and customs on 25.03.2019 and at the time of marriage, her father has spent Rs.8 lakhs towards marriage expenses and also handed over 5 sovereigns jewels and Rs.5 lakhs cash and Rs.3 lakhs worth of seervarsa articles to the first accused. The further allegation is that she has delivered a male child and the accused had harassed her and demanded further dowry and driven her out of the matrimonial home. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are the husband and mother-in-law of the defacto complainant.



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He would further submit that the marriage between the first petitioner and the defacto complainant was solemnized on 25.03.2019 and due to matrimonial dispute, the defacto complainant has left the matrimonial home and came to Chennai. He would further submit that the first petitioner has filed F.C.O.P.No.829 of 2021 before learned II Additional Family Judge, Ranga Reddy District, Kukatpally, Andhra Pradesh District for restitution of conjugal rights, whereas, a false complaint has been given, as if, the petitioners have harassed her. He would further submit that subsequent to the registration of the First Information Report, the first petitioner has transferred an amount of Rs.8 lakhs to the account of the defacto complainant and the entire jewelery have also been returned to the defacto complainant. He would further submit that the first petitioner has also ready for reunion. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the marriage between her and the first accused was solemnized as per the muslim rites and customs on 25.03.2019.



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He would further submit that the petitioners have harassed her and demanded further dowry and also driven her out of the matrimonial home.

He would further submit that the entire jewels are now with the defacto complainant and after registration of the First Information Report, the first petitioner has also paid an amount of Rs.8 lakhs to the defacto complainant. However, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 Judicial



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Magistrate, Thiruvottiyur, Thiruvallur District on condition that the petitioners 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] the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, every Saturday at 10.30 a.m., until further orders and the second petitioner 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;



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

12.04.2023

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