



Crl.O.P.No.7723 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 offence punishable under Section 498(A) of IPC in Crime No.2 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nivedita Agrawal is that she got married to the first petitioner on 29.01.2022. The allegation is that the first and second petitioners who were respectively the husband and mother in law, have demanded more dowry and harassed her and driven her out of the matrimonial home. Hence the case.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 29.01.2022. He would submit that due to misunderstanding, the defacto complainant left the matrimonial home within one month from the date of marriage. Thereafter, the defacto



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complainant had given a complaint to the respondent police. Based on which, an enquiry was conducted in CSR.No.23 of 2022 by the respondent police and the petitioner appeared for enquiry and during the enquiry, the entire jewels have been returned to the defacto complainant. The respondent police has also given a report stating that the entire jewels have been returned to the defacto complainant. He would submit that during the enquiry, the defacto complainant also stated that she is not interested in living with the petitioner, based on that, the enquiry was closed. Whereas, based on the direction from the Court, a case has been registered afresh by the respondent police. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed on them and will appear before the respondent police for enquiry. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 29.01.2022 and after the marriage, the petitioners have demanded more dowry and harassed her



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and driven her out of the matrimonial home. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Mr.Nirmal Aditya, learned counsel appearing for the intervenor/defacto complainant would submit that some part of the jeweleries are still with the petitioner and thereby, he would oppose for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondent and perused the entire materials available on record.

7.Taking into consideration the facts and circumstances of the case and that submissions made by the learned counsel, 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



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from the date on which the order copy made ready, before the **learned**

XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that

each of the petitioners 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 shall report before the respondent police everyday at 6.30 p.m., for a period of four weeks and thereafter, every Saturday at 6.30 p.m., until further orders. The second petitioner 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.



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

18.04.2023

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