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Crl.O.P.No. 10030 of 2023

Crl.O.P.No.10030 of 2023

and

Crl.M.P.No.6792 of 2023

K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b), 323 and 506(ii) of IPC in Crime No. 7 of 2023, seek anticipatory bail.

2. This Anticipatory Bail petition has been filed by the in-laws of the defacto complainant. The case of the defacto complainant is that she had been married with one Arun Pandiyan, who had been arrayed as 1st accused and the accused demanded jewellery and money from the defacto complainant and also threat of life to her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. In the said complaint given by the defacto complainant, the alleged incident had taken place on 12.02.2020. The last occurrence had taken place on 05.08.2022. However, the present complaint was lodged only on 29.03.2023. Therefore, a false case has been foisted as against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) would submit that the petitioners demanded jewellery and money from the defacto complainant. He further submitted that the investigation is pending and nobody was arrested till now. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor would submit that the petitioners are in-laws of the defacto complainant. This application is opposed by the defacto complainant alleging that the petitioners herein were instrumental in the demand of dowry and that if the petitioners are released on bail, they would scuttle the investigation. He further submitted that the 1st petitioner herein is an influential person and he would influence the police and also witness. Hence, he prayed to dismiss the anticipatory bail petition.

6. Considering the above facts and circumstances of the case, the petitioners are in-laws of the defacto complainant and that the 1st accused has not preferred any Anticipatory Bail Petition, 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 is made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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