



Crl.O.P.No.11164 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) 323, 406, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2022 and Section 4 of Dowry Prohibition Act, in Crime No.19 of 2022, seek anticipatory bail.

2. The first petitioner is the husband of the de-facto complainant and the petitioners 2 and 3 are in-laws of the de-facto complainant. The case of the prosecution is that, from the date on which the marriage solemnized between the first petitioner and the de-facto complainant, the first petitioner used to come to house only at late night, and when the de-facto complainant asked about the same, he threatened her with a gun. The further case of the prosecution is that the petitioners demanded dowry and in view of the same, they abused the de-facto complainant with unparliamentary words and also harassed her.



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3. The learned counsel for the petitioners submitted that the de-facto complainant had lodged a false complaint against the petitioners with concocted story and the petitioners have not demanded dowry, as alleged by the prosecution. He further submitted that the petitioners are innocents and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that while there arose a matrimonial dispute between the first petitioner and the de-facto complainant, the first petitioner has threatened the de-facto complainant with gun. He further submitted that the petitioners had demanded dowry and hence he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the nature of offence, this Court is not inclined to grant



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anticipatory bail to the first petitioner. However, considering the matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

7. Accordingly, the petitioners 2 and 3 alone 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 Magistrate, Rasipuram** on condition that the petitioners 2 and 3 shall execute a 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 Judge/Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 and 3 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 2 and 3 shall report before the respondent police once in a week at



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10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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.

8. Asfar as the first petitioner is concerned, this petition is dismissed.

17.05.2023

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