



Crl.O.P.No.15381 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.15 of 2023 registered by the respondent Police for the offence under Sections 498-A and 506(i) IPC.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in Crime No.15 of 2023 registered by the respondent Police for the offence under Sections 498-A and 506(i) IPC, on a complaint given by the defacto complainant who is the wife of the 1st petitioner/A1 herein. Thus, he seeks anticipatory bail to the petitioners.

3. It is the contention of the learned counsel for the petitioner that there have been several rounds of counselling done between the petitioners and the defacto complainant and statements have been recorded by the Social Welfare Officer. It is also stated that the petitioners had also appeared for enquiry. It is contended that the demand for dowry is totally a false statement. It is also alleged that the defacto complainant has some psychiatric problem. There was no child born to the defacto complainant and the 1st



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petitioner. It is stated that the instrumental person behind this complaint is the father of the defacto complainant. It is further stated that, he had committed assault on the 1st petitioner herein in public leading to registration of a First Information Report, which was taken on file in C.C.No.2391 of 2023. She further submitted that this entire case is a false case.

4. On the other hand the learned counsel for the defacto complainant who entered by way of intervening petition states that, the demand of dowry is actually true and also filed bills to show about the purchase of silver articles and also filed a report giving the injuries suffered by the defacto complainant. It is contended that there has been a series of complaints made over the demand of dowry and that since dowry was not handed over, assaults had been committed against the defacto complainant.

5. The learned Government Advocate (Criminal side) submitted a status report, wherein it had been stated that investigation could never proceed and there is a possibility of the petitioners absconding the judicial process. It is contended that all the facts will have to be verified and therefore, the presence of the accused are very much required. During the oral



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submission, learned Government Advocate (Criminal side) also stated the defacto complainant at one occasion inflicted wounds on herself and had tried to commit suicide. It is therefore strongly objected for the grant of anticipatory bail to the petitioners.

6. I have carefully considered the arguments of the learned counsel for both sides.

7. The marriage between the 1st petitioner and the defacto complainant had taken place on 27.08.2021. No child had been born to them. There had been a series of complaints of harassment as against the petitioners herein by the defacto complainant. There was also a counter complaint, wherein the 1st petitioner herein had alleged that he was assaulted in public by the father of the defacto complainant. All these issues require investigation. The respondent police will have to be put in a position to gather facts. The fact that a series of complaints have been lodged would only indicate that the entire issue has to be gone in depth.

8. The learned counsel for the petitioners alleges that the defacto



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complainant had changed Counsel and that now, new allegations have been put up. But at any rate, it is not for the petitioners herein or the defacto complainant to speak up for themselves, rather, it is an issue where the respondent will have to conduct investigation. The presence of the 1st petitioner is required for investigation, to examine whether the demand of dowry and other allegations are true or false and the offences stated in the First Information Report had actually occurred or not. These are the issues, which requires further examination.

9. In view of these facts, even though plea for granting anticipatory bail is made by the learned counsel for the petitioners, I am not inclined to grant anticipatory to the 1st petitioner. This Criminal Original Petition stands dismissed insofar as 1st petitioner is concerned. Insofar as 2nd and 3rd petitioners are concerned, who are the parents of the 1st petitioner, I am inclined to grant anticipatory bail with certain conditions.

10. Accordingly, the 2nd and 3rd 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 Magistrate, Town, Chennai**, 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 2nd and 3rd 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] (i) the 3rd petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required.

(ii) the 2nd petitioner shall report before the respondent police, once in a week, at 10.00 a.m., for a period of two weeks.

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

[d] the 2nd and 3rd 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 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd petitioners released on bail by the learned Magistrate/Trial



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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;

19.10.2023

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