



Crl.O.P.Nos.15501 & 15554 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498A, 406, 354, 509, 420, 506(2), 34 IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2023, on the file of the respondent police, seek anticipatory bail.

2.It is the submission of the learned counsel for the petitioners that marriage between first accused and defacto complainant had taken place on 30.01.2012. After all these years, defacto complainant has given a complaint against the accused with exaggerated and false allegations. There is no good relationship between the first accused and defacto complainant, which resulted in giving this complaint. Apprehending arrest, this petition is filed.

3.In response, the learned Government Advocate (Crl.side) submitted that investigation in this case is pending.



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4. Reading of the FIR allegations show that marriage between first accused and defacto complainant had taken place on 30.01.2012. It is alleged that defacto complainant was provided with 125 sovereigns of gold jewels, 45 carats of diamond jewels and 80 kgs of silver articles and Rs.25,00,000/- as demand draft and Rs.9,00,000/- by way of cash. Thereafter, first accused did not show any interest in family life. It is also alleged that defacto complainant's father-in-law tried to misbehave with her. The further allegations is that after the expiry of her father-in-law in the year 2015, defacto complainant's mother-in-law was living with her boy friend in their house and when she questioned that, defacto complainant was harassed. In 2018, she had taken IVF treatment for child birth. However, during the surgery for removing fibroids, her fallopian tube was removed without her consent to avoid her getting pregnant. Not only that, she was also running a online business successfully dealing with selling of Sarees. Her husband had changed the ownership to his name and also got Rs.50,00,000/- forcibly from her.



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5.It is seen from the allegations made in the complaint that, in a marital life started in the year 2012, defacto complainant had given a complaint in 2023. It appears that she did not give any complaint with regard to the alleged sexual harassment made by her father-in-law immediately after the incident. There is also no action taken with regard to the alleged living of her mother-in-law with her boy friend in 2015. So is the case that her husband allegedly received Rs.50,00,000/- from her. From the statement of the Doctor, it is clear that the fallopian tube was removed only after getting the consent from the defacto complainant.

6.Taking into consideration the long delay in giving the complaint and it is an issue of marital dispute, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XVII MM Court, Saidapet**, on condition that petitioners shall execute separate bond for a



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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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

[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



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petitioner 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.

26.07.2023

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26.07.2023