



Crl.O.P.Nos.16670 & 16636 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners in both the criminal original petitions seek anticipatory bail in Crime No.16 of 2023 registered by the respondent police for the offences punishable under Sections 498(A), 294(b), 506(ii) of IPC and Section 4 of Dowry Prohibition Act, on a complaint given by the wife of the petitioner in Crl.O.P.No.16636 of 2023.

2. The petitioner in Crl.O.P.No.16636 of 2023 married the defacto complainant on 27.01.2023. It is informed that on the date of lodging of the complaint, she was four months in the family way. The complaint narrates a horrendous story of the petitioners joining together and abusing her, abusing her father and abusing her family members and threatened her that they would burn by pouring petrol.

3. Even if it is stated that all these statements are false, still it is evident that she had suffered some mental injury at the hands of the petitioner herein. It is all the more despicable since the petitioner in



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Crl.O.P.No.16636 of 2023 had not taken any steps for taking care of her though, she is now as on date in an advanced stage of pregnancy.

4. The allegation against the petitioner in Crl.O.P.No.16636 of 2023 is that he had sat over her stomach and had caused injuries. The learned counsel for the petitioner in both the petitions stated that if he had done so, the child would have even aborted. I am not able to understand that particular line on the explanation given and it probably implies that he hoped that abortion had actually been done.

5. In view of these reasons but the Court will also have to examine the fact that the father-in-law, mother-in-law, sister-in-law and brothers-in-law have also been arrayed as accused.

6. Taking into consideration these facts, more particularly, because the parties had been earlier referred to Mediation, which had failed, I would deny the request sought for anticipatory bail by the petitioner in Crl.O.P.No.16636 of 2023. Accordingly, the



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Crl.O.P.No.16636 of 2023 stands dismissed. As far as the petitioners in Crl.O.P.No.16670 of 2023 are concerned, considering the facts and circumstances, anticipatory bail sought by the petitioners 4 and 5 is also dismissed. However, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 and 3 alone subject to the following conditions:

7. Accordingly, the petitioners 1, 2 and 3 are ordered to be released on anticipatory 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, Sankarapuram, Kallakurichi District**, on condition that the petitioners 1, 2 and 3 shall execute 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 1, 2 and 3 in Crl.O.P.No.16670 of 2023 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.



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[b] the 2nd petitioner shall appear before the respondent police everyday at 10.30 a.m., until further orders and the petitioners 1 and 3 shall appear before the respondent police on alternate days at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] The respondent police is directed to take the petitioner in Crl.O.P.No.16636 of 2023 into custody.

[d] the petitioner 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. List the Crl.O.P.No.16636 of 2023 on 18.10.2023 under the caption “for reporting compliance”.

10.10.2023

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