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Crl.O.P.Nos.16867 & 16837 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners in both the petitions apprehend arrest at the hands of the respondent police for the offence punishable under Section 494 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961 and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is that she is the legally wedded wife of the Loganathan and that her marriage was solemnized on 11.06.2017 and through their wedlock they are blessed with a daughter aged 6 years old. It is alleged that A2 Kumar, who is a School Teacher is the one who arranged and stood as a mediator in performing the marriage of the complainant with Loganathan. Before marriage, there was no dowry demands but whereas after the marriage it is alleged that her in-laws had demanded dowry and that she was subjected to various kinds of harassment. It is further alleged that the A2



Crl.O.P.Nos.16867 & 16837 of 2023

had attempted to exploit her sexually and while the complainant refused he had made the husband to marry one Priya, while her marriage is still in subsistence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners and the defacto complainant are relatives and due to family dispute a false complaint has been foisted. He would further submit that the complaint lodged by the complainant is only to harass the petitioners with false allegations and accusations, which are totally false. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners are the relatives and in-laws of the defacto complainant and they have demanded dowry from the defacto complainant, when she refused to give dowry these petitioners have harassed her and the husband of the defacto complainant had



CrI.O.P.Nos.16867 & 16837 of 2023

attempted to harass her sexually. He would further submit that A1 and A2 were released on bail by the District Munsif cum Judicial Magistrate, Vellore, and H.M.O.P.No. 58 of 2020 is pending before the Sub-Court, Ranipet. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials placed before me.

6. It is seen from the memorandum of understanding filed by the A1 and the defacto complainant namely the husband and wife that totally a sum of Rs.18 lakhs to be paid to the wife and minor child i.e., Rs.5 lakh to be paid to the wife and Rs.13 lakhs to be paid to the minor child. Out of Rs.18 lakhs, Rs.5 lakh has been paid to the wife on 17.07.2023 and another sum of Rs.6,50,000/- has been paid by way of Demand Draft dated 27.07.2023 to the minor child.



Crl.O.P.Nos.16867 & 16837 of 2023

7. At this juncture, the learned counsel for the petitioner produced a copy of the DD and contended that a sum of Rs.6,50,000/- is credited to the account of the minor child and the statement made by the learned counsel for the petitioner is hereby recorded. The petitioners in Crl.O.P.No.16867 of 2023 is arrayed as A3 to A9 and they are said to be the relatives of the person with whom A1 conducted marriage, the petitioner in Crl.O.P.No.16837 of 2023 is the alleged second wife.

8. Taking into consideration the facts and circumstances of the case and in view of the compromise entered into between the parties, I am inclined to grant interim anticipatory bail to the petitioners subject to the following conditions:

9. Accordingly, the petitioners are ordered to be released on interim anticipatory 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 **Judicial Magistrate, Arcot**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/-



CrI.O.P.Nos.16867 & 16837 of 2023

(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 appear before the respondent police on every Saturday at 10.30 a.m, for a period of four weeks and thereafter, appear 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



CrI.O.P.Nos.16867 & 16837 of 2023

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 abscond, a fresh FIR can be registered under Section 229A IPC.

10. Post the matter on 18.09.2023 under the caption "for reporting complainece".

16.08.2023

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Crl.O.P.No.16867 of 2023

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