



Crl.O.P.No.17283 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 323, 406, 420, 498(A) & 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.10 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between first and second Petitioners' son viz., Sandeep Kumar and informant/Defacto Complainant on 11.07.2019 at Thiruthani Murugan Temple. At the marriage, the informant/Defacto Complainant's family presented 75 Sovereign of Gold and Household Articles. Through their wedlock, on 17.12.2020, they blessed with one male child viz., Jagath Pranavu. Subsequently, at the instigation of her Husband, the informant/Defacto Complainant had sold her house for sum of Rs.1,60,25,000/- and handed over the entire money to her husband to purchase a land in the informant/Defacto Complainant's name. Al/Defacto Complainant's Husband buy a land and registered it in his name instead of informant/Defacto Complainant's name before Sub-Registrar office, Ambur on 20.04.2022 in Document No.2947 of 2022. When the informant/Defacto Complainant had questioned about the same, there was an altercation between them. Subsequently, on 23.02.2023,



when the informant's Husband want to celebrate Baby Tonsure function and for that, he demanded 12 sovereign of Gold and made criminal intimidation.

Subsequently, the informant's aunt had questioned about the demand and take the informant/Defacto Complainant and her baby to her house. Afterwards, the informant's husband settled the property to his Sister on 31.03.2023 in Document No. 2514 of 2023. Subsequently, the Petitioners had ill-treated the informant/Defacto Complainant. Used filthy languages, caused hurt to informant/Defacto Complainant by using hands and made criminal intimidation. Subsequently, the Petitioners had frequently harassed the informant. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that this is the third complaint against the Petitioners in respect of the same set of allegations. In previous complaints, the Petitioners have obtained anticipatory bail. When the Petitioners questioned the Defacto Complainant about her active participation in social media, there was an altercation between them and she voluntarily left the matrimonial home. Hence, the learned counsel for Petitioners prays for grant of anticipatory bail to Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that the Petitioners/A2 to A4 are Defacto



Complainant's parents in law and sister in law. The allegation is that they sold the property of the Defacto Complainant and from that money, a property was purchased in the name of the Defacto Complainant's husband/A1 (son of Petitioners 1 & 2). He is vehemently 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 the submissions made by the learned counsel on either sides and since major crime is against the first Accused/husband and he is not brought as party in this Petition, I am not inclined to express any opinion about A1. In respect of the present Petitioners/A2 to A4, I am inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the 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, Gudiyatham**, on condition that the Petitioners 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



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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, on every Wednesday and Saturday 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 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.

09.08.2023

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