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Crl.O.P.No.17915 of 2023

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and

Crl.M.P.No.18640 of 2023

C.V.KARTHIKEYAN, J.

The Petitioners/A2 and A3 in Crime No.53 of 2023 registered by the respondent police for the offences under Section 354(A), 498(A) and 506(i) IPC, seek anticipatory bail.

2. There is yet another Accused/A1, who is now in Canada enjoying life. It is stated by the learned Government Advocate (Criminal Side) that he is the husband of the defacto complainant. The marriage took place on 24.02.2021. It is the allegation that at the time of marriage, there was a demand of 40 Sovereigns of Gold and Rs.5,00,000/- worth of Silver articles and a car worth of Rs.15,00,000/- and thereafter, not being satisfied, further demanded a sum of Rs.2,00,00,000/- (Rupees Two Crores Only). It is the case of the defacto complainant that the Accused A2, had also committed acts of sexual harassment.

4. The learned counsel for the petitioners stated that the defacto complainant had issued a notice on 15.05.2023 seeking compensation of



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Rs.2,25,00,000/- (Rupees Two Crores and Twenty Five Lakhs Only) for which a reply had been sent on 01.06.2023.

5. My learned Predecessor had referred the parties to Mediation. The Mediator has filed a report stating that the compensation was the primary discussion which took place and that the parties were not satisfied with the amount either offered or demanded. The Mediation report or any part of it are rejected by this Court.

6. The learned Government Advocate (Criminal Side) stated that the investigation could not even commence, since the 1st Accused is in Canada and does not appear before the Investigation Officer.

7. The learned counsel for the Intervenor pointed out that there are allegations of sexual harassment against the 1st Petitioner/A2. Since the Accused A1 is absent, the Court cannot grant any relief to the Petitioners herein expect to the 2nd Petitioner, who is the mother of the Accused A1.

8. In view of this particular observations, **this Court is not inclined**



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to grant anticipatory bail to the 1st Petitioner/A2 but this Court is inclined to grant anticipatory bail to the 2nd Petitioner/A3 with certain conditions. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate – I, Alandur**, on condition that the petitioner shall execute a 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 petitioner 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 2nd petitioner shall appear before the Respondent Police every Saturday at 10.30 a.m., till A1 comes back to this country and submits himself to the investigating process.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 petitioner in accordance with law as if the conditions have been imposed and the 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.

9. Accordingly, this Criminal Original Petition seeking anticipatory bail is dismissed against the 1st Petitioner/A2 and granted against the 2nd Petitioner/A3. Consequently, connected Criminal Miscellaneous Petition is closed.

12.12.2023

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