



Crl.O.P.No.18424 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 323, 406 and 506(i) of I.P.C, in Crime No.529 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the first petitioner herein. The 2nd to 7th petitioners are in-laws and relation of the first petitioner. The marriage between the first petitioner and the de-facto complainant took place on 10.09.2021. It is alleged that even prior to marriage, there had been demands for dowry as a pre-condition for marriage to take place. It is stated that about 200 sovereigns of gold jewels had been demanded and it is an admitted case that 100 sovereigns of gold jewels had been handed over to the first petitioner. To express bonafide it is stated that the 100 sovereigns of gold jewels are now lying in a bank locker in which the first petitioner and the de-facto complainant both have keys and it is stated that the first petitioner shall facilitate the de-facto complainant to remove the gold



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jewellery from the said locker.

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3. It is also contended that some photographs were taken and an apprehension is raised that the same could be misused and uploaded to the disadvantage and detriment of the image of the de-facto complainant. Therefore, a condition is also imposed that the mobile phone of the first petitioner or the photographs as available must also be handed over to the prosecution. They may undertake further investigation to examine whether the photographs are available and to also determine whether it had been transferred to any other instruct. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent submits that due to demand of dowry, the 1st petitioner's parents scolded the de-facto complainant and quarreled with her. Hence, he opposed for grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the first petitioner is 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, Pallavaram**, on condition that the petitioner 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 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.



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[b] the first petitioner shall report before the respondent Police, on everyday at 10.30 a.m., until further orders;

[c] the first petitioner must facilitate the taking of 100 sovereigns of gold jewels from the Karur Vysya Bank, Coimbatore and hand over them to the de-facto complainant.

[d] Interim bail is also granted on the condition that the first petitioner hands over the mobile phone to the respondent/Investigating Officer who may examine it for the presence of photographs and after transferring the photographs to any other device, hand over the phone back to the first petitioner.

[e] Interim bail is granted to the first petitioner alone till 24.11.2023 to comply with those two conditions.

[f]List the matter once again on 28.11.2023 'for reporting compliance'.

[g] The investigation of the further circumstances of the case, the anticipatory bail is granted to the 2nd to 7th petitioners;



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[h] The 2nd, 5th and 6th petitioners shall appear before the respondent Police everyday at 10.30a.m., till 24.11.2023 and to ensure that the first petitioner complies with the conditions of grant of interim bail. The 3rd petitioner, 4th and 7th petitioners shall appear before the respondent police once in a week at 10.30 a.m., till 24.11.2023 and thereafter as and when required. These conditions would be re-examined when the matter is listed, to examine compliance of the conditions by the first petitioner.

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

[j] the petitioner shall not abscond either during investigation or trial.

[k] 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]**.

[l] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



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[m] List the matter once again on 28.11.2023

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only to consider further orders with respect to the first petitioner.

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