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Crl.O.P.No.18294 of 2023

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Reserved On	31.08.2023
Pronounced On	07.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 417, 420, 294(b), 506(ii) of IPC read with Section 4 of TN Prohibition of Harassment of Women Act - 2002 in Crime No.53 of 2022** on the file of the respondent police, seek anticipatory bail.

2. The alleged occurrence is said to have taken place from 15.12.2010 at about 11.00 hrs. On the alleged complaint given by the *de-facto* complainant one Dr.Shabina Banu D/o. Mr.Mohammed Hanif on 26.12.2022 at 21.00 hrs, the petitioners are apprehending arrest.

3. The allegations in the FIR is that the *de-facto* complainant is residing in Egmore and has completed her MD and



practising as Doctor by profession and the *de-facto* complainant and the 1st petitioner herein are known to each other through social-media platform and developed a love affair for the past 12 years and their respective parents have met and marriage proposal has been finalized. During the year 2012, both the 1st petitioner and *de-facto* complainant went to a hotel by name Fair field by Mariot had physical relationship and subsequently on 24.02.2020 and another instance on March 2021, they had physical relationship. However, when it comes to the demand of marriage, he refused to marry her nor repaid Rs.26,00,000/- received by the 1st petitioner from the father of the *de-facto* complainant, which was a demand made by him for the marriage.

4. The 1st petitioner herein is the son, 2nd petitioner is the father and 3rd petitioner is the mother.

5. Heard the learned counsel appearing for the petitioners.

6. He relied upon the legal notice issued on 11.10.2021 whereby he had called upon the *de-facto* complainant girl for giving consent for marriage. And hence he would state that he is ready and



willing to marry her, but it is only refused by the bride side since he belongs to middle class family.

7. Heard the learned counsel for the intervenor.

8. The learned counsel for the intervenor would contend that during the course of the negotiations for marriage, the girl has given 26 sovereigns of gold and also the father of the bride has given Rs.26,00,000/- for starting a new business and hence, he strongly opposed for grant of anticipatory bail for the petitioners.

9. I have perused the legal notice dated 11.10.2021 by the petitioner/1st accused. Since the matter is under investigation, I am not expressing any opinion except to say that the notice has been addressed to the *de-facto* complainant girl and also to the Commissioner of Police, Inspector of Police and Chief Minister's grievance cell, it creates a serious doubt as to the nature and intention of the legal notice said to be issued. Whether he has issued the legal notice to express his willingness for marriage or it is a pre-emptive to save his skin. It is a matter for investigation.

10. Print-outs of Whatsapp message and photos of



Whatsapp message are filed. I find that, closeness between the *de-facto* complainant and the 1st petitioner is reflected therein and it is a matter for investigation.

11. Accordingly, this petition is allowed in respect of the 2nd and 3rd petitioner alone, who are the parents and in respect of the 1st petitioner, considering the specific overt act of the 1st petitioner, gravity and nature of the offence levied alleged against him, accordingly this petition is dismissed.

12. The 2nd and 3rd 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 District Munsif cum Judicial Magistrate at Pallavaram, Chennai**, on condition that the petitioners shall execute a 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on



further condition that:

[a] the 2nd and 3rd 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 2nd and 3rd petitioners shall report before the respondent police weekly twice i.e., on every Tuesday and Saturday at 10.30 a.m., until further orders;

[c] the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd and 3rd 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 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd 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].



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

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