



CrI.O.P.No.19627 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 Section 498(A) IPC in Crime No. 02 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant is the wife of the first accused and they got married on 15.04.2022. There was continuous demand for dowry and jewellery. It is under those circumstances that the complaint had been lodged and FIR had been registered. Hence, this case.

3.The matter was referred to mediation but mediation failed. Thereafter, the learned counsel for the petitioners had stated that the petitioners are willing to return back the jewels, vessels and documents, which belonged to the de facto complainant. An affidavit was directed to be filed to record compliance of the said statement. Accordingly, an affidavit had been filed, wherein, it had been stated as follows:

"3. Accordingly, we settled entire Jewels and other utensils gifted by the de facto family, further given her entire documents, certificates and other her properties, before the Protection Officer, Tiruvannamalai, and the same was acknowledged and further photos were taken in this regards.



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This statement had again been reiterated in para 6 of the affidavit, which reads as under:

6. *We gage all the belongings of the de facto complainant, i.e., jewels, documents, certificates and other properties to the de facto complainants, it is therefore prayed that this Hon'ble Court may be pleased to accept our affidavit.*

4.It is stated however on the side of the respondent that some more jewellery will have to be returned. That is an issue which will have to be addressed during the course of trial. Since substantial bonafide had been shown by the petitioners herein, anticipatory bail is granted to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 No.I, Poonamallee**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 1st and 4th petitioners, to appear before the respondent police every day at 10.30 a.m. for a period of **three weeks** and 2nd and 3rd petitioners to appear before the respondent police once a week at 10.30 a.m., for a period of three weeks and thereafter **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 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**



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

15.11.2023

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