



WEB COPY



Crl.O.P.No.19782 of 2023
and Crl.MP.No.15069 of 2023

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.11 of 2022 registered by the respondent Police for the offence under Sections 498(A) and 294(b) of IPC. The petitioner is A1. The de facto complainant had entered appearance by filing an intervenor application.

2.It is stated that the other accused are the parents and the in-laws of the petitioner herein, who had earlier been granted anticipatory bail. Insofar as this petitioner is concerned, concerted efforts were made to mediate the entire issue to bring out an amicable solution. But, it is the grievance of the learned counsel for the intervenor that during the process of mediation, the petitioner did not appear but rather the father-in-law of the intervenor had appeared. I am not able to understand the logic of the father-in-law ever coming to appear to settle issues with his daughter-in-law on behalf of his son. The entire process is bound to fail and it had failed. In every other process relating to the allegations in the first information report, it is only advisable that this particular father-in-law stays out of the picture. The father-in-law, again, probably out of over enthusiasm, participated in the counselling sessions before the Family Court, where I understand, divorce proceedings are pending. This statement is disputed by the learned Senior Counsel on behalf of the petitioner, but, at any rate, it would be



appropriate that the petitioner answers the allegations against him in person.

The only reason he could not do so as he is in U.S., but, he is now available and he has come back.

3.The learned Senior Counsel states that the petitioner had answered the notice under Section 41A of Cr.PC. It is also stated that before he leaves for U.S., he would again attend any summons issued by the respondent police. With respect to the articles handed over at the time of marriage, there is a very long list produced and at some point, the learned Single Judge had also appointed an Advocate Commissioner to be present, to oversee the process of verifying the articles, while it was handed over. There is also a report by the Advocate Commissioner. Since all these aspects will have to be examined during trial, and be proved, I avoid entering into any discussion of the same. So far as the present relief is sought for grant of anticipatory bail, the only considerations are whether the petitioner would appear during the trial process or would abscond. The learned Senior Counsel has placed on record the statement that the petitioner herein would certainly co-operate during the course of trial and would appear. The articles which have not been returned according to the intervenor, may be stated in evidence before the Trial Court and it is for the learned Trial Judge to take a decision about the same.



WEB C

4. In view of all these facts, anticipatory bail is granted to the petitioner directing the petitioner, in the first instance, before he goes to U.S., appear before the respondent Police and disclose his correct address in U.S. and also the name of his employer, including all details about the e-mail address and telephone numbers, so that there cannot be any communication gap in issuing notice to him, if required. After satisfying the respondent Police about the place of residence, the petitioner may also give an undertaking that if at all, he is required for any purpose during the course of investigation, if proper notice is given and sufficient time is granted to him, he would always be willing to co-operate with any further investigation. Quite apart from this condition he must co-operate he must co-operate during the trial. On those conditions anticipatory bail is granted.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Mahila Court, Egmore, Chennai**, 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:



WEB COPY

[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 petitioner shall report before the respondent police **to comply the conditions as stated in para no.4.**

[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.

Crl.MP.No.15069 of 2023 (intervening application) stands closed.

15.11.2023

kp



WEB COPY



C.V.KARTHIKEYAN, J.

kp

Crl.O.P.No.19782 of 2023
and Crl.MP.No.15069 of 2023

15.11.2023