



CrI.O.P.No.21694 of 2023

C.V.KARTHIKEYAN, J.

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A and 406 of IPC and Section 4 of the Dowry Prohibition Act in Crime No.5 of 2023, seeks anticipatory bail.

2.It is also be stated that there are other accused, who had earlier been granted the order of anticipatory bail. The anticipatory bail petition of this petitioner/A1 alone is pending before this Court.

3.My learned predecessor had referred the parties to mediation, but for some reasons, the parties were not satisfied with the mediation process. Thereafter, a direction was given to the present petitioner to handover back the car, jewels and silver articles and household articles to the defacto complainant.

4.It is uniformly stated across the bar that those items had been handed over to the defacto complainant.



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5.The learned Government Advocate (Criminal Side) for the respondent, also affirms that the articles had been handed over to the defacto complainant.

6.Let me not enter into the discussion on the list of articles since that is to the exclusive knowledge of both the defacto complainant and the accused, who know better as to what should be exchanged and what should be given and what has been received. For good measure, the defacto complainant / wife had also handed over the articles of the 1st accused back to him. This would only indicate that the parties have shown the bonafide to that little extent.

7.Therefore, in view of those circumstances, this Court is inclined to grant anticipatory bail to the petitioner herein.

8. 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 Metropolitan Magistrate, 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:

[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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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



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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.

07.12.2023

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