



Crl.O.P.No.23228 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehends arrest for the alleged offences punishable under Sections 498 (A), 406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.29 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The first petitioner is the husband of the defacto complainant and the second and third petitioners are his parents. The marriage between the first petitioner and the defacto complainant took place on 03.06.2020. Thereafter, there was difference of opinion between them owing to the conduct of the first petitioner and usage of all the jewellery and money of the defacto complainant towards the expenses of the marriage of the sister of the first petitioner.

3.The learned counsel for the petitioners states that in the complaint dated 02.03.2023 given by the defacto complainant, there was no allegation against the conduct of the first petitioner herein. However, in the second complaint dated 09.09.2023, it had been alleged that the first petitioner was addicted to alcohol, that he had threatened her, committed



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cruelty against her and demanded dowry. The learned counsel states that successive complaints were lodged with the above facts and though the first complaint dated 02.03.2023 was very much available, the abovesaid facts were not stated in the first complaint.

4.On the side of the respondent, it is stated that the first petitioner is employed and earning Rs.25,000/- per month and the defacto complainant is employed and earning Rs.40,000/- per month. It is stated that there is difference of opinion between them owing to the conduct of the first petitioner and usage of all the jewellery and money of the defacto complainant towards the expenses of the marriage of the sister of the first petitioner. It is alleged that on one occasion, the father of the defacto complainant had settled a property in her favour and there was a threat on her to hand it over to the petitioners herein.

5.The learned counsel for the intervenor/defacto complainant stated that about 17 sovereigns of jewels had been taken away by the petitioners herein towards the expenses of the marriage of the sister of the first petitioner herein and cash had also been taken away.



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6.It is also seen that there is a petition pending under the Domestic

Violence Act before the jurisdictional Magistrate Court initiated by the defacto complainant. It is seen that it had been originally alleged, against the second and third petitioners about the usage of jewellery and money of the defacto complainant towards the marriage expenses of their younger daughter. Thereafter, there was a further complaint as against the first petitioner that he has been addicted to liquor and consequently raised disputes with the defacto complainant. The fact that there are disputes is neither denied nor disputed. Onus is on the first petitioner herein to establish that there had been no demand of dowry or property. It had been very specifically alleged about the usage of the jewellery and cash of the defacto complainant towards the expenses of marriage of the younger sister of the first petitioner. Even though two separate complaints have been given, in the second complaint in which anticipatory bail is now sought, specific allegations had been raised against the conduct of the first petitioner herein. In view of those circumstances, even though the learned counsel for the petitioners states that there can be a possibility for settlement, I would grant anticipatory bail only to the second and third petitioners and I am not inclined to grant anticipatory bail to the first petitioner. Onus is also on the



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second petitioner to impress upon the parties to come to an amicable settlement over the entire issue.

7. Accordingly, the second and third 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 **Judicial Magistrate, Ambattur**, on condition that the second and third petitioners 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 second and third 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] (i) **the second petitioner shall appear before the respondent once in a week i.e., every Monday at 10.00 a.m., till the first petitioner is taken into custody or he comes forward to return all the jewellery and settle the issue with the defacto complainant.**



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(ii) the third petitioner shall appear before the respondent as and when required for interrogation by the respondent police.

[c] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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]**.

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

8. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner and allowed as against the second and third petitioners.

03.11.2023

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