



Crl.O.P.No.29821 of 2022

Crl.O.P.No. 29821 of 2022

WEB COPY

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 498(A) of IPC and Section 4 of Dowry Prohibition Act in Crime No.564 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner and the defacto complainant are husband and wife and the 2nd and 3rd petitioners are the mother-in-law and sister-in-law of defacto complainant. Due to matrimonial dispute, the defacto complainant has left the matrimonial house. Hence, the case.

3. Earlier on 15.12.2022, this Court had referred the matter to mediation for exploring the possibility of amicable settlement of issues between the parties with regard to housing loan.



CrI.O.P.No.29821 of 2022

4. Today, defacto complainant along with child appeared before this Court and stated that her husband is not paying the Interim Maintenance regularly.

5. Heard both sides and perused the material available on record.

6. Considering the facts and circumstances of the case and the first petitioner is not paying the interim maintenance to the wife regularly, this Court is not inclined to grant anticipatory bail to the first petitioner alone and this Court is inclined to grant anticipatory bail to the second and third petitioners with certain conditions.

7. Accordingly, **the second and third petitioners** are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate Court, Vellore**, on condition that each of the petitioners 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



Crl.O.P.No.29821 of 2022

arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for Interim anticipatory bail shall stand dismissed and on further conditions 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.

[c] the **2nd and 3rd petitioners** are directed to report before the respondent police on as and when required for interrogation;

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

[e] the **2nd and 3rd petitioners** shall not abscond either during investigation or trial.

[f] 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 SCW 5560]**;

[g] If the accused thereafter absconds, a fresh FIR can be



Crl.O.P.No.29821 of 2022

registered under Section 229A IPC.

WEB COPY

8. Accordingly, the Criminal Original Petition for anticipatory bail stands **dismissed in respect of first petitioner.**

28.02.2023

jai



WEB COPY



Crl.O.P.No.29821 of 2022

T.V.THAMILSELVI, J.

jai

Crl.O.P.No. 29821 of 2022

28.02.2023