



Crl.O.P.No.27150 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC in Crime No.19 of 2023, seek anticipatory bail.

2.The defacto complainant is the wife of the 1st petitioner herein. She had lodged a complaint alleging that there was a demand of dowry and there were also allegations as against the 2nd, 3rd and 4th petitioners of committing various acts of cruelty and demand of dowry.

3.The learned counsel for the petitioner stated that the defacto complainant had earlier lodged a complaint and that was closed after conducting enquiry by the respondent, but after sometime , she had given a second complaint on the very same facts. It is therefore urged that the petitioners are innocent and that the defacto complainant has the tendency to build up complaints and lodge them before the respondent with the sole aim of threatening the petitioners herein.

4.It is stated that the 2nd, 3rd and 4th petitioners / parents and brother of the 1st petitioner, are innocent of all the allegations and that the



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Court should also considered them separately.

5.On the side of the respondent, it is stated that earlier on 08.05.2023, the defacto complainant had lodged a complaint, which was registered in CSR.No.115 of 2023. At that time, she had stated that the respondent should take steps to reunion her with the 1st petitioner. That complaint was enquired and closed by the respondent.

6.I would find fault on the respondent for that particular step taken as they should have proceeded further and referred the parties to address their mental issues in more proper manner.

7.Thereafter, the defacto complainant had taken poison and was admitted in hospital, where her statement was recorded and that was reduced into a complaint and the present FIR came to be registered. Again she had raised allegations against all the four petitioners, but primarily, against the 1st petitioner. Insofar as the 2nd, 3rd and 4th petitioners are concerned, it is stated that they had joined with the 1st petitioner in demanding dowry and committed various acts of cruelty. It is seen from the records that in the earlier complaint, the defacto complainant had raised a grievance that, she had been sent away to her



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parents house at Vijayawada and she sought reunion with the 1st petitioner herein.

8.The facts reveal that some more understanding could have been shown by the petitioners, particularly by the 1st petitioner, to the defacto complainant and if so, this lodging of successive complaints could have been averted and the fact that, she took poison and tried to commit suicide could also have been averted and it is fortunate that she is still alive, otherwise the petitioners would have been facing more serious charges at the hands of the respondent.

9.As a husband of the defacto complainant, the 1st petitioner has a duty to reach out his wife. There are no other proceedings initiated by him against her. Therefore, the marriage still subsists and there is a primary duty cast on him with respect to the defacto complainant. Accordingly, this petition stands dismissed as against the 1st petitioner. But as against the 2nd, 3rd and 4th petitioners, taking into consideration that they are parents and brother of the 1st petitioner, this Court is inclined to grant anticipatory bail to them. They must appear before the respondent police whenever notices under Section 41 A Cr.P.C., are issued and must



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also co-operate in bringing about any amicable settlement between the 1st petitioner and the defacto complainant, in any manner whatsoever.

10. Accordingly, the 2nd, 3rd and 4th 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 X Metropolitan Magistrate Court, Egmore, Chennai, on condition that each one of the petitioner 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 2nd, 3rd and 4th 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 2nd and 4th petitioners 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 and the 3rd petitioner shall report before the respondent police



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weekly once for a period of two weeks i.e., on every Monday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the 2nd, 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd, 3rd and 4th 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 2nd, 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 2nd, 3rd and 4th 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.

06.12.2023

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