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CrI.O.P.No.1640 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC in Crime No.19 of 2023, seeks anticipatory bail.

2.The defacto complainant is the wife of the petitioner herein. She had lodged a complaint alleging that there was a demand of dowry and there were also allegations as against the other accused 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 petitioner is 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 petitioner herein.



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4.Earlier anticipatory bail petition of this petitioner was dismissed on 06.12.2023 in Crl.O.P.No.27150 of 2023. Subsequently, the petitioner filed a petition in Crl.O.P.No.1640 of 2024 and by an order dated 21.02.2024, interim protection was granted directing the petitioner to appear before the respondent. It is stated today that notice under Section 41(A) Cr.P.C., had been issued to the petitioner and he also appeared and statement had been recorded.

5.The learned counsel for the intervener states that the matter may be referred to Mediation, so that the parties may workout a permanent solution with respect to the marital discord between them. But however, there must be confidence in the petitioner also to participate in that proceedings.

6.Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner and with certain conditions:

7.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 X Metropolitan Magistrate Court, Egmore, Chennai, on condition that



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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 everyday at 10.30 a.m., until further orders.

[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**



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Kerala [(2005)AIR SCW 5560].

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

8.In the interregnum period, the matter is also referred to the Mediation and Conciliation Centre, High Court of Madras, to endeavour to bring about a settlement between this petitioner and the defacto complainant. In the first instance, the petitioner and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, High Court of Madras, on 29.04.2024.

10.04.2024

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Copy to:

The Director,
Mediation and Conciliation Centre,
High Court of Madras.



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