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Crl.O.P.No.3160 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 seeks anticipatory bail in Crime No.21 of 2023 registered by the respondent Police for the offences punishable under Sections 498 A of IPC, Section 406 of IPC and Section 323 of IPC.

2. The marriage between the petitioner and the defacto complainant was solemnised on 06.02.2017.

3. It is stated that thereafter two children were born to them. But however, disputes arose which escalated into violence. A complaint had been lodged on 07.07.2023 alleging offences under Sections 498 A of IPC, Section 406 of IPC and Section 323 of IPC. This petitioner along with the other accused had filed an earlier application seeking anticipatory bail in Crl.O.P.No.18887 of 2023 and by an order dated 05.10.2023, the other accused had been granted bail but the anticipatory bail application of this petitioner had been dismissed.



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4. The learned counsel for the petitioner placed on record the findings of the District Welfare Officer dated 15.12.2023 wherein he had stated after examining both the defacto complainant and this petitioner, that there is no evidence for demand of dowry. That is a subsequent event which had emanated after the dismissal of the earlier application seeking anticipatory bail.

5. However, taking all the other factors into consideration and in view of this particular change in circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 **respondent police, W-28, AWPS, Ambattur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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



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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., 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 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.

22.02.2024



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