



Crl.O.P.No.3055 of 2024

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WEB COPY **C.V.KARTHIKEYAN,J.**

The petitioners/A1 to A4 in Crime No.2 of 2024, registered by the respondent police for the offences under Sections 498(A) and 406 of IPC and Section 4 of Dowry Prohibition Act, 1961, seek anticipatory bail.

2.The 1st petitioner is the husband of the defacto complainant, the 2nd and 3rd petitioners are the parents of the 1st petitioner and the 4th petitioner is the sister of the 1st petitioner.

3.It is the case of the prosecution that the 1st petitioner and the defacto complainant were married on 16.09.2021. It is stated that there were differences between the 1st petitioner and the defacto complaint and these differences, could not be resolved by two of them. The defacto complainant had lodged a complaint before the respondent, consequent to which, FIR in Crime No.2 of 2024 had been registered under the aforementioned provisions.

4.The one disturbing factor is that the defacto complainant had



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also approached the National Commission for Women, complaining about the Investigating Officer. This step has to be condemned since, the Investigating Officer had actually registered a FIR and only after investigation, can a final report be filed. Arm twisting the Investigating Agency would neither be to the advantage of the defacto complainant nor, should it force the Investigating Officers to file a report which is contrary to the materials gathered during the course of investigation.

5.Let me make it very clear that though the defacto complainant has a right to approach any forum, this arm twisting method is not acceptable to the Court. A copy of this order may also be forwarded to the National Commission for Women since they are also being made use of as a puppet by the defacto complainant for whatever purpose she requires. If it is a question of harassment for dowry, then necessary FIR under Section 498(A) of IPC had been registered by the respondent and only after completing the investigation can a final report be filed. There cannot be any extraneous pressure being applied on the Investigating Officer. They must be given a free hand to investigate into the allegations. They have every right to file a final report either accepting



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the allegations or even dropping the allegations. Procedure in manner known to law alone must be followed.

6.It is contended by the learned counsel for the defacto complainant that copies of documents have not been given to the defacto complainant. Copies of documents collected during the course of investigation, will not given to anybody. They will have to be analysed and later when final report is filed, copies will be filed along with final report and thereafter, the parties can get copies from the Court where the FIR had been lodged. At every stage of investigation, there cannot be a report being forwarded to either the defacto complainant or to the accused about the progress in investigation.

7.It is contended by the learned counsel for the defacto complainant that there has been a demand of dowry of Rs.1/- crore. All these aspects have to be investigated and the arm twisting method by the defacto complainant would not make the allegations be true. There was an issue about appearance on issuance of notice under Section 41-A of Cr.P.C.



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8.The learned counsel for the petitioners contend that all the petitioners did actually appear but however, the learned Government Advocate (Crl. Side) for the respondent stated that it is only the 5th accused who had appeared when notice was issued under Section 41-A of Cr.P.C. The 5th accused is also not before this Court.

9.Taking into consideration the remoteness of the possibility of the allegations which have been levelled against the petitioners 2, 3 and 4, being proved, at this stage, since investigation is pending primarily with respect to dowry demanded by the 1st accused, I am inclined to grant anticipatory bail to the petitioners 2, 3 and 4 with certain conditions. Since investigation is still pending, I am not inclined to grant anticipatory bail to the 1st accused. Accordingly, this petition is dismissed as against the 1st accused/1st petitioner.

10.Accordingly, the petitioners 2, 3 and 4/A2, A3 and A4 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which



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the order copy made ready, before the **Judicial Magistrate, Ambattur, Thiruvallur District**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 condition that:

[a] the petitioners 2, 3 and 4 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 petitioners 2, 3 and 4 shall appear before the respondent police once in a week i.e., on every Saturday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

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

[d] the 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



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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]**.

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

12.03.2024
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Note : A copy of this order to be forwarded to the National Commission for Women.

C.V.KARTHIKEYAN,J.

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