



CrI.O.P.No.3710 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 seeks anticipatory bail in Crime No.82 of 2023 registered by the respondent Police for the offences punishable under Sections 294(b), 406, 498(A) and 506(ii) of IPC.

2. A counter affidavit has been filed by the respondent/Inspector of Police, AWPS Hosur Police Station, Krishnagiri, wherein it had been stated that the offences had been altered to Sections 294(b), 323, 406, 498(A) and 506 (ii) of IPC and Section 4 of TNPWH Act.

3. The learned counsel for the petitioner, though offer was given to amend the petition to include the offences under Section 323 of IPC and Section 4 of TNPWH Act, stated that the offences would not attract to the petitioner herein. The statement of the counsel is recorded.

4. It is the case of the prosecution that the marriage between the petitioner herein and the defacto complainant took place on 04.12.2022. It is further contention by the defacto complainant who filed intervening



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application that at the time of marriage, their family had given 151 sovereigns of gold and 1kg of silver and there was also demand for a car which also was given.

5. It is stated that subsequently they had shifted their marital place to Bangalore. It is also stated that once again household articles had been provided by the family of the defacto complainant. It is very specifically stated that the petitioner had cultivated a further relationship. These are all issues which have to be examined during the course of trial and naturally, the petitioner will have to be interrogated all these aspects.

6. It is also stated that he had deliberately, not consummated the marriage. One further statement made on behalf of the defacto complainant is that she had passed Group-I preliminary examination and the petitioner herein had prevented her from writing the main examination and had taken away her certificates. Though all these seem to be normal disputes within a family, the agony which must have been caused to the defacto complainant would have to be visualised and kept under consideration.



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7. The learned Government Advocate(Crl.Side) stated that at the time of marriage, gold and silver articles had been given and a car was also given but there was continuous demand for dowry.

8. The learned counsel for the petitioner stated that A2 and A3 had been granted anticipatory bail. It is also stated that A4/uncle of the petitioner had been granted bail after being secured. Allegations are levelled against each other. It is only appropriate that investigation is done and to conduct investigation, interrogation is required. To conduct interrogation, the presence of the petitioner is required and to ensure presence, anticipatory bail stand Dismissed.

9. I must also note that on 19.02.2024, this Court had, on representation, expressed an opinion that Legal Aid counsel should be appointed on behalf of the defacto complainant. Accordingly, Mr.C.S.S.Pillai, had been appointed by the Legal Service Authority, High Court, Madras. But the defacto complainant had engaged their own counsel who had filed intervening application.



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10. This Court express deep appreciation to Mr.C.S.S.Pillai, Legal Aid Counsel, who, in spite of the fact that the defacto complainant had appointed her own counsel, owing to deep sense of duty, had appeared before the Court and discharged his professional duty and obligations as Legal Aid Counsel.

29.02.2024

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