



Crl.O.P.No.3515 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 498(A) and 506(i) of IPC r/w 34 of IPC in Crime No.13 of 2023 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that there is a matrimonial dispute pending between the defacto complainant and the first petitioner. The second and third petitioners are the mother and father of A1, the fourth petitioner is the sister of A1. The defacto complainant married the 1st petitioner on 04.12.2020 and it was a second marriage for both of them. It is alleged in the complaint that these petitioners harassed the defacto complainant by abusing her in filthy language for not bringing more dowry. It is further alleged that the fourth petitioner used to make video call and instructed other petitioners to beat her and all these petitioners were not treated her like a human. The defacto complainant and her child was forcibly sent from her matrimonial home. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that due



to matrimonial dispute the first petitioner and the defacto complainant are living separately for one year. The petitioners are law abiding citizens. They are innocent persons and have not committed any offence as alleged by the respondent police. They are hailing from very respectable family and have no bad antecedents. They undertake to abide by any conditions that may be imposed on them upon due enlargement on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioners.

5.The learned counsel appearing for the intervenor would submit that the intervenor had been tolerating to the maximum extent, to adjust with her husband and in-laws. They have not changed their attitude even after the birth of the child born out of the wedlock. Instead they threatened to kill the intervenor and her child. They demanded 500 sovereign of gold. She has lost her hope with marital life with the first petitioner and that her money, 108 sovereigns of jewels and other household items would not be returned to the intervenor. Hence she opposed for grant of anticipatory bail to the petitioners.



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6. Heard the learned counsel for the petitioners, intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration of all the facts which reveals that there is a family dispute between both the parties with regard to family affairs which need mediation also and also considering the submissions made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are directed 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 XVI Metropolitan Magistrate, George Town, Chennai, on condition that the petitioners 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 the petitioner, or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail



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shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner is directed to pay Rs.20,000/- on 10th working day of every English calendar month as interim maintenance to the wife and child till modify by the other Court of law;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State



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of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.Mrs.Uma Ramanathan, is appointed as Mediator. Both the parties are directed to appear before the Mediator, Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 07.05.2024.

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