



CrI.O.P.No.5111 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners /A1, A2 and A3 in Crime No.7 of 2024, registered by the respondent police for the offences under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act, seek anticipatory bail.

2.The marriage between the 1st petitioner and the daughter of the defacto complainant took place on 27.06.2001. It is stated that at the time of marriage, 50 sovereigns of jewellery was handed over to the 1st petitioner but there was a further demand for 10 additional sovereigns of jewellery and also for furniture and household articles.

3.The learned counsel for the petitioner stated that H.M.O.P.No.325 of 2022 is now pending before the Sub Court, Udumalpet, filed by the 1st petitioner on the ground of cruelty, seeking divorce. But one factor which has to be explained by the respondent is the entertaining of a complaint given by the father of the wife of the 1st petitioner. He has no right to interfere with the marital life between the 1st petitioner and his daughter. If she is aggrieved, she must give a police complaint. I am not able to understand as to how the complaint was also entertained by the respondent. It could also be gathered that she is a



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victim in the hands of the defacto complainant.

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4.Taking all these factors into consideration, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5.Accordingly, the petitioners are 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 **Judicial Magistrate No.I, Udumalpet**, 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 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and the petitioners 2



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and 3 shall appear before the respondent police once in a week i.e., on every Saturday at 10.30 a.m., for a period of two weeks 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 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.

6.It is made clear that merely because the defacto complainant/father of the wife of the 1st petitioner, former DSP does not give any additional privilege either to him or for the respondent to register the complaint in the absence direct complaint being given by the wife of the 1st petitioner.

04.03.2024

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