



Crl. O.P. No.13269 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused No.1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420 and 498(A) of IPC in connection with the Cr. No.136 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and this petitioner/A1 are husband and wife, that the petitioner along with other accused caused cruelty and demanded dowry from the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case against the petitioner and there is a family dispute pending between the petitioner and the defacto complainant and thereby, she alleged a false complaint, that already the matter was referred to Mediation and already this Court also granted interim anticipatory bail and referred the matter to Mediation, that in the mediation, the petitioner agreed to give Rs.1.8 crores towards maintenance amount for the defacto complainant by cash on or before 27.07.2024 as full and final settlement, that the defacto complainant has to withdraw the criminal case in Cr. No.136 of 2024 and all other cases pending against the petitioner and the defacto complainant agreed to file



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petition for mutual divorce before the concerned Court, but the petitioner was unable to mobilize the funds, but he is ready to pay an amount of Rs.50 lakhs to the defacto complainant as one time and final settlement on or before 30.01.2025 and to that effect, the petitioner has also filed an affidavit and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant would contend that before Mediation, the petitioner agreed to pay Rs.1.8 crores to the defacto complainant as full and final settlement, but now, he changed his version, that the offences are grave in nature and thereby he opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the offences are grave in nature and there is a family dispute pending between the parties, that investigation is at initial stage and hence he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the representations made on either side, considering the nature of offence and the relationship between the parties, considering



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the fact that already this Court granted an interim anticipatory bail to the petitioner and the matter was referred to the Mediation and in the mediation, the petitioner agreed to pay a sum of Rs.1.8 crores to the defacto complainant, but due to his inability to mobilize funds, he filed an affidavit agreeing to pay Rs.50 lakhs as one time and final settlement to the defacto complainant on or before 30.01.2025, I am inclined to grant anticipatory bail to the petitioner, subject to some conditions.

8. The interim anticipatory bail already granted to the petitioner is made absolute. So far as the Mediation report is concerned, it is for the respondent to take appropriate steps in accordance with law.

9. Accordingly, the criminal original petition is allowed on further conditions that:

(a) the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[b] the petitioner shall not leave India without the previous permission of the Court;

[c] the petitioner shall not abscond either during investigation or



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trial.

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[d] 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 petitioner 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

25.09.2024

mjs

P.DHANABAL,J
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To

- 1.The Additional Mahila Court, Coimbatore.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, D1 Ramanathapuram Police Station, Coimbatore City, Coimbatore.



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