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Crl.O.P.No.14141 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(a), 294(b), 506(i), 420 read with 34 IPC in Crime No.11 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant and the first accused are husband and wife and out of their wedlock, they have got a girl child. The allegation against the accused is that they have deserted the *de facto* complainant stating that unless she goes to job, the first accused would not live with her. Since, the *de facto* complainant was pregnant, she could not go for job and that the *de facto* complainant was staying with her parents. During such time, the accused had taken away the jewels of the *de facto* complainant and other Seethana articles. Subsequently, the *de facto* complainant gave birth to a female child after which, the first accused strangely refused to live with the *de facto* complainant as she has given birth to female child. Hence, the case.



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3. Learned counsel for the petitioners submitted that the petitioners are none other than the father, mother and sister of the *de facto* complainant's husband (A1). He further submitted that on account of the matrimonial dispute, a false complaint has been given against the petitioners. He also submitted that the petitioners also understand that the investigation in this case has been completed. He further submitted that the first accused in this case had been granted anticipatory bail by this Court in CrI.O.P.No.14332 of 2023 vide order dated 27.06.2023. Hence he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (CrI.Side) appearing for the respondent Police submitted that the petitioners, who are in-laws of the *de facto* complainant, along with the main accused have taken 11 sovereigns of gold jewels belonging to the *de facto* complainant and had driven her out of the matrimonial home and also refused to take her back to the matrimonial home, since she had delivered a female child and had also committed cruelty on her. He further submitted that the first accused has been granted by this Court and subsequently, the investigation in this



case has been completed and during the course of investigation, the jewels have not been recovered from the accused. He further submitted that the final report has been filed and the case has also been taken up for trial in C.C.No.32 of 2023 on the file of the learned Additional Mahila Court, Egmore, Chennai and now the case stands posted on 03.05.2024. However, he opposed for grant of anticipatory bail to the petitioners.

5. Learned counsel for the Intervenor submitted that the petitioners have taken the 11 sovereigns of gold jewels belonging to the de facto complainant and had driven her out of the matrimonial home and the first accused refused to live with her, since she had delivered a gild child. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for both the Petitioners and the Intervenor and the learned Government Advocate (Crl. Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the



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case and the submissions made by the learned counsel on either side and taking note of the fact that the investigation in this case has been completed and the case has been taken up for trial in C.C.No.32 of 2023 on the file of the learned Additional Mahila Court, Egmore, Chennai, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 **learned Metropolitan Magistrate -V, Egmore, Chennai**, on condition that the petitioners shall execute separate bond each 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 or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 petitioners shall appear before the learned Additional Mahila Judge, Egmore, Chennai, everyday at 10.30 a.m., for a period of one week and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioners shall not tamper with evidence or witness during trial;

[d] the petitioners shall not abscond during 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.

12.03.2024

A.D.JAGADISH CHANDIRA, J.,

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