



Crl. O.P. No.18443 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 498(A), 406, 324, 506(2), 312, 511 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in connection with the Cr. No.90 of 2024, seeks anticipatory bail.

2. The case of the prosecution is the defacto complainant and the petitioner are husband and wife, that the petitioner demanded dowry from her and when the defacto complainant complained with regard to the said demand of dowry, the police orally resolved the issue and in continuation of which, on 09.06.2024 at about 8 p.m., the petitioner, without considering that the defacto complainant is pregnant, kicked her and sat on her back to get her miscarriage and due to which, the defacto complainant was admitted in the hospital and her jewels are in possession of the petitioner. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that he has not committed any offence as alleged by the prosecution, that he did not attack or hurt the defacto



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complainant, that on 10.06.2024, wordy quarrel arose between them and at 9.15 p.m., around 15 of her relatives came to the petitioner's house and attacked him, that he had filed a divorce petition on the grounds of adultery and cruelty, that there is a matrimonial dispute between the parties and now compromise arose through mediation, that already interim bail was granted to the petitioner and that he is ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioner has demanded dowry from the defacto complainant and even without considering that the defacto complainant is pregnant, he kicked her and attacked her by sitting on her back to get miscarriage of child and hence he objected for the grant of anticipatory bail to the petitioner.

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

6. Considering the arguments putforth on either side, considering the nature of offences charged against the petitioner, considering the fact that already the petitioner was granted interim bail, considering the relationship between the parties and they compromised through mediation, I am inclined to grant anticipatory bail to the petitioner, subject to the following



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conditions:

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7. 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, Sriperumbudur** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for investigation.

[b] 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;

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

[d] the petitioner 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



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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].

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

10.09.2024

mjs

To

- 1.The Judicial Magistrate, Sriperumbudur
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, All Women Police Station, Sriperumbudur, Kancheepuram.

P.DHANABAL,J
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