



Crl.OP.No.19342 of 2024

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P.DHANABAL,J

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 296(b), 85, of BNS 2023 And section 4 of TN Prohibition of harassment of women act 2002, in Crime No.14 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The prosecution's case is that the de facto complainant, wife of the 1st petitioner, was married for over five years. The 1st petitioner and others allegedly verbally abused her, demanded more dowry, and sexually harassed her. The police filed an FIR against the petitioner in Crime No. 14 of 2024, based on the complaint given by the defacto complainant. Hence the petition.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they are falsely implicated in this case. As regard as the 2nd petitioner, she has no involvement in the alleged incident and was not present at the location when it occurred as alleged by the defacto complainant and she is an elderly person with diabetes, and there



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is no material evidence against her. The respondent police have fabricated the case against the petitioners for statistical purposes. Hence, he prays to grant anticipatory bail to the petitioners.

4. The Government Advocate (criminal side) representing the respondent police submitted that there are a total of five accused in this case. The petitioners are the husband and mother-in-law of the de facto complainant. The respondent police have registered a case against them for allegedly demanding dowry from the de facto complainant. Since the investigation is still ongoing, he opposed to grant bail to the petitioners.

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

6. Considering the rival representations made by both sides' learned counsels, and also considering the relationship between the parties, and the fact that this Court has already granted bail to the other accused, and also considering the nature of the offences charged against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is **allowed** and the petitioners are ordered to be released on anticipatory bail in the event of



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their arrest or on their appearance, within a period of fifteen days from the

date on which the order copy made ready, before the learned **Judicial**

Magistrate Court, Valagaiman, on condition that the petitioners shall

execute a 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 learned

Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the respondent police 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 anticipatory 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

12.08.2024

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To

1.The Judicial Magistrate Court, Valangaiman.

2. The Inspector of Police,
Nannilam AWPS Police Station,
Tiruvarur District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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