



Crl. O.P. No.21421 of 2024

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P. DHANABAL.J.,

The petitioners / Accused who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 498(A) and 406 of IPC in connection with the Cr. No.28 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the 1st petitioner and the 2nd petitioner is her father-in-law, that the petitioners have dishonestly taken away the Sridhana jewels of the defacto complainant and caused cruelty to the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that petitioners have been falsely implicated in this case, that there is family dispute and due to which, the 1st petitioner has moved a divorce petition and the same is pending before the Principal District Judge, Tiruvallur and hence the present case is filed with a personal motive and vengeance to harass the petitioners, that the defacto complainant, in order to harass the 1st petitioner, has lodged a



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false complaint and dragged the 2nd petitioner also in the case, that the 2nd petitioner is a retired senior citizen, is travelling around 700 kms for this case, that they are ready to co-operate for investigation and would abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that there is a family dispute and the petitioners, husband and father-in-law of the defacto complainant, have taken the sridhana jewels of the defacto complainant, who is the wife of the 1st petitioner and caused cruelty to her. Hence he objected for the grant of anticipatory bail. Further he submitted that no previous case is pending against the petitioners.

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

6. Considering the arguments putforth on either side, considering the fact that there is a matrimonial dispute between the 1st petitioner and the defacto complainant and the 2nd petitioner is her father-in-law, that no previous case is pending against the petitioners and considering the nature



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of offences involved in this case, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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 learned **Judicial Magistrate, Ambattur** 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 1st petitioner shall report before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and the 2nd petitioner shall appear before the respondent police on the first day of every English calendar month for a period of 3 months and thereafter they shall appear as and when required for interrogation.

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



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[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 269 B.N.S.2023.

05.09.2024

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To

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

P.DHANABAL,J
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