



Crl.O.P.No.21005 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 323 and 506(1) of IPC and Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act in Crime No.10 of 2023, seek anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant, she married the first petitioner on 26.02.2020, and out of the said wedlock a female child was born to them. The further allegation is that the father of the defacto complainant had gifted gold articles and house hold items to the first petitioner, but after the marriage, second petitioner has prevented her from leading a peaceful life. It is alleged that the petitioner along with other accused joined hands together and instigated the first petitioner to cause cruelty and harassment to the defacto complainant, for which the first petitioner forcibly sent her to her parental home and demanded huge amount. Hence, the complaint.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the first petitioner filed divorce petition before the Family Court, Vellore, and the same was registered as FCOP.No.226 of 2023, for which the defacto complainant has given a false case against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that that the petitioners had harassed her and demanded dowry from her and they also abused and forcibly sent her to her parental home. He further submits that the investigation is still pending. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also the fact that the first petitioner has appeared before this Court and agreed to pay the interim maintenance of



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Rs.10,000/- to his wife and child, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Additional Mahila Court, Vellore*, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks;



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[c] the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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7. Considering the nature of dispute between the parties, the matter is referred for mediation in order to resolve the dispute amicably between the parties. Therefore, the parties are directed to appear before the District Mediation Centre, Vellore on 18.04.2024.

8. Meanwhile, the first petitioner is directed to pay the interim maintenance of Rs.10,000/- in the first week of every month to the account of the defacto complainant until it is modified by any other court of law.

16.04.2024

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Note : Issue order copy on 16.04.2024

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