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Crl.O.P.Nos.23489 & 23493 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 498(A) IPC in Crime No.34 of 2023, seek anticipatory bail.

2.The 1st accused had filed Crl.O.P.No.23493 of 2023 and the 2nd, 3rd and 4th accused had filed Crl.O.P.No.23489 of 2023.

3.The learned Senior Counsel on behalf of the petitioner, initially stated that the defacto complainant, the wife of A1 had initially given a complaint before the 1st respondent, the Inspector of Police, AWPS Ambattur Police Station and at the enquiry stage, an effort was taken to exchange the sreedhana articles between the 1st accused and the defacto complainant.

4.The articles were actually exchanged and document in that regard had also been reduced in writing and signed. A copy of that document has also been produced before the Court. This fact is also acknowledged by the learned Government Advocate (Crl. Side) for the



Crl.O.P.Nos.23489 & 23493 of 2023

respondent police.

5. Thereafter, when the matter was still pending for further enquiry, it appears that the defacto complainant had preferred an application under Section 156(3) Cr.P.C., before the learned Judicial Magistrate, Ambattur and by an order dated 17.02.2023 in Crl.M.P.No.3894 of 2022, the learned Judicial Magistrate had directed preliminary enquiry to be conducted by the Inspector of Police, AWPS Ambattur and to file a report. It was also directed that if any cognizable offence is made out, the Station House Officer should register a First Information Report and proceed in accordance with law. Consequent to that direction, FIR in Crime No.34 of 2023 came to be registered under Section 498(A) of IPC on 28.09.2023. Hence, the petitioners seek anticipatory bail.

6. It is urged by the learned Senior Counsel on behalf of the petitioners / accused that the petitioners had exhibited bonafide by returning back the sreedhana articles, which was the main grievance of



Crl.O.P.Nos.23489 & 23493 of 2023

the defacto complainant.

7.The learned Government Advocate (Crl. Side) stated that the marriage between the first accused and the defacto complainant took place on 03.03.2021 and on that date, about 25 sovereigns of gold and Rs.1/- Lakh cash and household articles had been given. It had been stated that there was a further demand to bring further cash and gold and the defacto complainant was also physically chased away from the matrimonial house.

8.It is stated that a complaint had been given, which was initially registered as C.S.R.No.356 of 2021 and during enquiry, the sreedhana articles had been exchanged between the two parties. Thereafter, there was an issue of jurisdiction and the matter was oscillating between the AWPS Ambattur and AWPS-33 Madhuravayal Police Station.

9.Finally, it is stated that now instructions have been issued that it is the 1st respondent / the Inspector of Police, AWPS Ambattur, who has to conduct further enquiry. It had therefore stated that enquiry



Crl.O.P.Nos.23489 & 23493 of 2023

had not been conducted in entirety.

10. But however, I would consider the exchange of articles to the advantage of the petitioners herein. Any other and every other fact will necessarily have to be proved during the course of trial.

11. Taking all these factors into consideration, I am inclined to grant anticipatory bail to the petitioners and with certain conditions:

12. 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 condition that:

[a] the petitioners and the sureties shall affix their



Crl.O.P.Nos.23489 & 23493 of 2023

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 1st accused shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for the interrogation and the 2nd to 4th accused shall report before the respondent police as and when required for interrogation.

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

[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 229A IPC.

21.02.2024



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