



Crl.O.P.No.28085 of 2024

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SUNDER MOHAN, J.

The Petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC, in Crime No.19 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the first petitioner got married to the defacto complainant on 03.09.2017 and thereafter the petitioners had committed cruelty on the defacto complainant by demanding dowry and the defacto complainant did not disclose the same to her parents; and that the first petitioner always abused her and suspected her character. Hence, the case.

3.The learned counsel for the petitioners would submit that the case was originally registered as a CSR number; that during the investigation, the petitioners participated and explained their stand; that the first petitioner has filed a petition for restitution of conjugal rights before the Sub Court, Thiruvallur on 23.10.2024 in HMOP.No.2718 of 2024; and that a petty quarrel has been projected as a case of cruelty, and hence the custodial



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interrogation of the petitioners is not necessary. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that based on the complaint given by the defacto complainant, the respondent police conducted an enquiry in CSR number and an FIR was registered, and the case is under investigation. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the fact that the first petitioner has filed petition for restitution of conjugal rights and there is a possibility of reconciliation, the nature of allegations, and that the petitioners 2 to 4 are the in-laws, namely mother-in-law and sisters-in-law who are living separately, and the custodial interrogation of the petitioners is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the



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following conditions:

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(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.1, Poonamallee**, on condition that the petitioner 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[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]**;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

11.11.2024

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