



Crl.O.P.No.28076 of 2024

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SUNDER MOHAN, J.

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85 and 351(2) of BNS, 2023, in Crime No.35 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was married to the 1st petitioner and within two months of marriage, there was misunderstanding and the petitioners started demanding dowry from the defacto complainant, as a result of which, she left the matrimonial house. Hence, the case.

4.The learned counsel for the petitioners would submit that the matrimonial discord between the 1st petitioner and the defacto complainant has been projected as a case of dowry demand. The 1st petitioner and the defacto complainant had hardly lived together for two months and the allegation is an after thought to implicate all the family members of the 1st petitioner falsely.

5.The learned Government Advocate (Crl. Side) submitted that it is true



that the defacto complainant and the 1st petitioner lived together for two months and since there is an allegation of dowry demand the case has been registered on the complaint. Hence, opposed to grant anticipatory bail.

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

7.Admittedly, the petitioner and the defacto complainant are living separately since 10.12.2023 and the complaint was lodged on 21.10.2024.

8.Considering the nature of allegations and that there is a matrimonial dispute between the parties and that the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the **Judicial Magistrate (Additional Mahila), Vellore**, on condition that the petitioners shall execute a



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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 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]**;

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

11.11.2024

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