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Crl.O.P.No.27352 of 2023

Crl.O.P.No.27352 of 2023
and
Crl.M.P.No.19533 of 2023

C.V.KARTHIKEYAN, J.

The Petitioners seek anticipatory bail in Crime No.22 of 2023 registered by the Respondent Police for the offence under Section 498(A) IPC.

2. The learned Government Advocate (Criminal Side) stated that the 1st Petitioner is the husband of the defacto complainant. They had been married on 03.09.2023 and they had lived together only for a period of 15 days. But however, the experience in such a short period of stay with the 1st Petitioner had driven the defacto complainant to file an application in O.P.No.4989 of 2023 before the Family Court at Chennai seeking to declare that their marriage is nullity on the ground of impotency and also on the ground of deliberate suppression of that fact before marriage to the defacto complainant. It is stated that the 2nd Petitioner herein is the mother of the 1st Petitioner. The 3rd and 4th Petitioners are not shown as Accused in the First Information Report and therefore, without any further discussion, this application stands dismissed as against the 3rd and 4th Petitioners.



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3. The defacto complainant is also represented and it is the contention of the learned counsel for the defacto complainant that the defacto complainant is a medical professional and the Accused persons, particularly the 1st and the 2nd Accused, had deliberately suppressed the physical orientation of the 1st Petitioner herein and had led the defacto complainant to marry the 1st Petitioner/1st Accused. It is also stated that the defacto complainant had spent a huge amounts to their marriage and also to take the 1st Petitioner to Thailand and also that there had been demand for dowry, which necessitated the lodging of complaint and registration of First Information Report.

4. The learned counsel for the Petitioners contended that there had been a suppression of the fact that O.P.No.4989 of 2023 had been filed by the defacto complainant and also stated that whatever articles had been received during the time of marriage have been returned back.



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5. The learned Government Advocate (Criminal Side) stated that the investigation had hardly commenced and the allegations are only against the 1st and the 2nd Petitioners for their demand of dowry. It is also stated that the 1st Petitioner and the defacto complainant lived together hardly for a period of 15 days and their marriage had took place on 03.09.2023.

6. Taking all the factors into consideration, let me also reiterate that the application in O.P.No.4989 of 2023 should be proceeded further and it would be the interest of the 1st Petitioner herein that he pays back the entire amounts spent towards marriage by the defacto complainant and also towards the trip to Thailand subsequent to the marriage. Let there not be any further allegations of demand for dowry. These issues of restitution of the monetary amounts spent by the defacto complainant may be considered by the learned Family Court Judge, who examine the issues in O.P.No.4989 of 2023.

7. Let the learned Family Court Judge also examine the aspect of the amounts spent by the defacto complainant and place an obligation on the 1st Petitioner to return back the said amount provided the defacto complainant is also able to establish the expenditure incurred by her and her



family members towards the marriage and subsequently.

8. Taking an overall view of the entire aspect, this Court is inclined to grant anticipatory bail to the 1st and 2nd Petitioners with certain conditions. 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 Judicial Magistrate Court at Thiruvottiur, Chennai**, on condition that the petitioners shall execute a separate 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 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 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 petitioner shall report before the Respondent



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Police daily at 10.30 a.m., until further orders and the 2nd petitioner shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for the 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.

6. Accordingly, this Criminal Original Petition stands allowed as



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against the 1st and 2nd Petitioners and dismissed as against the 3rd and 4th Petitioners since they are not arrayed as Accused in the FIR. Consequently, connected Criminal Miscellaneous Petition is closed.

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