



Crl.O.P.No.29263 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 296(b), 115(2) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.37 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner got married to the de-facto complainant. After the marriage, the first petitioner abused the de-facto complainant in filthy language and harassed her both physically and mentally demanding dowry. The second and third petitioners, who are the in-laws, also abused the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioners would submit that due to the matrimonial dispute a false complaint has been filed against the petitioners. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) would submit that the petitioners abused and harassed the de-facto complainant both physically and mentally demanding dowry. He would further submit that there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Considering the fact that it is a matrimonial dispute and also the fact that there is no previous case pending against the petitioners, 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 learned **Judicial Magistrate (Additional Mahila Court) at 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, 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the 2nd and 3rd petitioners shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter 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 269 of BNS.

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