



Crl.OP.No.27626 of 2023

Crl.O.P.No.27626 of 2023

and

Crl.MP.No.109 of 2024

C.V.KARTHIKEYAN,J.

The petitioners/ husband, father-in-law and mother-in-law of the defacto complainant had filed this petition seeking anticipatory bail in Cr.No.13 of 2023 registered under Sections 294(b), 498A of IPC.

2. The defacto complainant is also represented by her counsel.

3. It is the case of the prosecution that the first petitioner herein and the defacto complainant had got married on 12.09.2022. It is stated that at the time of marriage, the first petitioner was working as a Tennis Coach and earning a salary of Rs.30,000/- . During the time of marriage, dowry of 100 sovereigns of gold was demanded and finally 50 sovereigns of gold was given by the parents of the defacto complainant. Further, 5kgs of silver were also given for pooja items.

4. It is also stated by the learned counsel for the defacto



Crl.OP.No.27626 of 2023

WEB COPY

complainant that towards the marriage, a sum of Rs.10,00,000/- was spend, but, however demands persisted necessitating the defacto complainant to lodge a complaint.

5. The learned counsel for the petitioner stated that owing to differences, the first petitioner had filed H.M.O.P.Sr.No. 7193 of 2023. It is contested on behalf of the defacto complainant. The same had been dismissed, since it was filed within one year from the date of marriage. Subsequently, the defacto complainant had also filed MC.No.410 of 2023 and the same is pending before the III Additional Family Court at Chennai.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in



Crl.OP.No.27626 of 2023

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 ***Additional Mahila Court, Egmore, Chennai*** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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 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 petitioners herein shall jointly deposit a sum of **Rs.50,000/-** to the credit of M.C.No.410 of 2023 within a period of two weeks, pending before the III Additional Family Court, Chennai and on such deposit, the learned Family Court Judge may hand over the said amount to the defacto complainant. It is made clear that this is only an interim arrangement made only for the purpose of granting anticipatory bail and does not reflect on the averments made in



Crl.OP.No.27626 of 2023

maintenance case or in the counter therein and III Additional Family Court has entire discretion to determine the maintenance amount without taking into consideration the amount determined by this Court to be deposited. Any amount can be ordered and this amount of Rs.50,000/- may be adjusted with the said amount determined by the Family Court.

[c] the first petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders and the second and third petitioners shall report before the respondent police on Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] 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.**



Crl.OP.No.27626 of 2023

State of Kerala [(2005)AIR SCW 5560].
WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered. Consequently, the connected miscellaneous petition is closed.

19.01.2024

Vv

C.V.KARTHIKEYAN,J.

Vv



WEB COPY



Crl.OP.No.27626 of 2023

Crl.O.P.No.27626 of 2023

19.01.2024