



Crl.O.P.No.27919 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498A, 506, 504, 323 of IPC & Section 3(1) 4 and 6(2) of D.P.Act r/w Section 34 of IPC in Crime No.238 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the mother of one Khaleel Owais Arfath who is the husband of the defacto complainant, second petitioner is the elder daughter of the first petitioner, third petitioner is the husband of the younger sister of Khaleel Owasis Arfath and the fourth petitioner is the maternal aunt of Khaleel Owasis Arfath. The further allegation is that the marriage between one Khaleel Owasis Arfath and the defacto complainant was held on 16.06.2022 in Hyderabad with muslims rites an customs. It is further alleged that the petitioners herein demanded dowry and tortured the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the defacto complainant



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wanted amount from her husband to deposit in third person's account, for which the petitioner failed to do so. He further submits that notice was also served to the petitioners under Section 41(A)(1) Cr.P.C. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are the brother-in-law and sister-in-law of the defacto complainant. He further submits investigation is still pending before the XV Additional Chief Metropolitan Magistrate, Hyderabad. He further submits that if the petitioners granted bail they may escape from the clutches of law as well as criminal liabilities. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the counsels, this Court is inclined to grant Inter-State anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned X Metropolitan Magistrate, Egmore, Chennai*, on condition that the petitioners



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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 learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of six weeks;

[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

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law as if the conditions has been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid own by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

12.04.2024

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