



Crl.O.P.Nos.28114 & 28375 of 2023
and Crl.M.P.Nos.314 & 316 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A1 has filed Crl.O.P.No.28114 of 2023 and petitioner/A3 has filed Crl.O.P.No.28375 of 2023. They seek anticipatory bail in Crime No.17 of 2023 registered by the Respondent Police for the offences under Sections 406, 323, 498A of IPC and Section 4 of Dowry Prohibition Act.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners herein.

3. It is stated that, marriage between A1 and the defacto complainant took place on 28.02.2018. There are two girl children born to them, aged about 5 and 3 years respectively.



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4. It is the specific submission made by the learned counsel for the Intervenor/Defacto Complainant that, from the date of separation, A1 has not paid even a single paisa maintenance to the children.

5. Be that as it may, it is the case of the respondent that, at the time of marriage, 40 sovereigns of gold and 25 lakhs of cash had been given. Apart from that, 5 lakhs cash was also given towards the purchase of car. Title deeds of the property had also been taken away and threat was also made for transferring the property in the name of the accused persons. A2 incidentally has not come forward to participate in the Judicial Proceedings. A3 is the father of A1.

6. The learned counsel for the defacto complainant/ Intervenor stated that, 123 sovereigns of gold had been given to the accused persons and 2 Crores of cash had also been given. Apart from that, documents relating to the property had also been taken away.



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7. It is the very specific submission of the learned counsel for the defacto complainant/Intervenor that, the defacto complainant is the 2nd lady with whom A1 had relationship. It is also seen from the records that the parties were encouraged to participate in the mediation process.

8. The learned counsel for the petitioners/accused stated that the petitioners are prepared to settle the matter and also stated that, if the list is given, they would hand over the items mentioned in the list.

9. In reply, the learned counsel for the defacto complainant/Intervenor stated that the list had already given long back.

10. The allegations are extremely serious and there has been no regret and there is no maintenance paid atleast for the two children. Now, the girl children are under the care and protection of the defacto complainant. Investigation will have to be done. A2 is absconding and it is a wonder has to why the Investigation Officer has not issued Look Out notice for A2. The respondent has also to ensure that restitution of gold and cash is done for the benefit of the defacto complainant.



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C.V.KARTHIKEYAN, J.

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11. In view of the above, I am not inclined to grant anticipatory bail to the petitioners herein. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

19.03.2024

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