



Crl.OP.No.15932 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Section 498(A) IPC in Crime No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the the petitioner and the defacto complainant got married on 02.02.2015. During pregnancy, the defacto complainant stayed at her parental house and thereafter from 31.01.2018, she stayed at her matrimonial house. It is alleged that the petitioner and his mother demanded her salary, harassed and assaulted her. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there is a counter complaint given by the petitioner's



Crl.OP.No.15932 of 2022

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mother as against the defacto complainant and the same has been taken on file in CSR.No.124 of 2018 on 17.05.2018 by the Pazhavanthangal Police Station. The mother of the petitioners has been granted anticipatory bail by this Court in Crl.O.P.No.5600 of 2019. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted the petitioner and his mother is alleged to have demanded the salary of the defacto complainant and assaulted her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submitted that the defacto complainant filed a complaint under Section 12 of the Protection of Women form Domestic Violence Act, 2005, in which the petitioner is also added as a party therein and he never appeared before the Trial Court. That apart, the petitioner filed a quash petition before this Court to quash the entire proceedings initiated under the Domestic Violence Act and the same is pending before this Court. Therefore, if the petitioner let



Crl.OP.No.15932 of 2022

out on anticipatory bail, he would again go abroad. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. On a perusal of the F.I.R, it reveals that the petitioner demanded dowry from the defacto complainant and demanded her salary, however considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Alandur, Chengalpet District on condition that the petitioner shall execute a 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



Crl.OP.No.15932 of 2022

condition that:

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[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks, thereafter as and when required for interrogation and directed to co-operate for the other proceedings initiated by the Trial Court.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



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Crl.OP.No.15932 of 2022

G.K.ILANTHIRAIYAN, J.

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

08.07.2022

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Crl.O.P.No.15932 of 2022