



Crl.O.P.No.17141 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 313 of IPC and under Section 4 of the Dowry Prohibition Act 1961 in Crime No.21 of 2022, seek anticipatory bail.

2. Totally, there are five accused involved in this case in which the petitioners are arrayed as A1 to A5, the first petitioner is the husband, the second, third and fourth petitioners are in-laws and the 5<sup>th</sup> petitioner is the husband of the fourth petitioner. . The case of the prosecution is that on 02.09.2019, the marriage was solemnized between the defacto complainant and the first petitioner. Thereafter, the petitioners have demanded more dowry from the defacto complainant . It is further alleged that they have compelled and forced her to abort her foetus. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor would submit that from the date of her marriage, the petitioners have harassed the defacto complainant. In fact, when the C.C.T.V was installed inside the house, the same was questioned by the defacto complainant. In this regard, there was a quarrel between them and they have driven her out of the matrimonial home. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners demanded more dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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6. A perusal of FIR reveals that except the above allegations, there are no serious allegations against these petitioners. That apart, the defacto complainant was separated from the first petitioner from the month of December 2021. Therefore, the custodial interrogation of the petitioners does not require in this case

7. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 on which the order copy made ready, before the **learned Judicial Magistrate-I, Vridhachalam** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of the petitioners, 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



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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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation and the other petitioners shall report before the respondent police as and when required for an interrogation.

[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 law as if the conditions have been imposed



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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]**.

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

**22.07.2022**

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