



Crl.OP.No. 21376 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 498(A) of IPC and Section 4 of Dowry Prohibition Act and Sections 5(1), 5(n), 6 of Protection of Children from sexual offences Act 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act 2006 in Crime No.7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the pretext of marriage, the petitioner had physical relationship with the victim girl, aged about 16 years. Subsequently, he got married to the victim girl. Both lived together in the matrimonial home. Thereafter, the petitioner, the parents of the petitioner, his sister and her husband joined together and harassed the victim girl by demanding dowry to the tune of Rs.20,00,000/-. On refusal, she was driven out from the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready



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and willing to live with the victim girl and he also undertakes to file affidavit in this regard before the learned Judicial Magistrate No.1, Thiruppathur.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 No.1, Thiruppathur, 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 condition that:

[a] the petitioner shall file an affidavit of undertaking before the learned Judicial Magistrate No.1, Thiruppathur.



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[b] 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.

[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30.p.m for a period of four weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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