



Crl.O.P.No.20743of 2022

WEB COPY

Crl.O.P.No.20743 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 294(b), 406, 506(2) of IPC in Crime No.17 of 2022, seek anticipatory bail.

2. There are totally 3 accused persons involved in this case in which the petitioners are arrayed as A2 and A3 and they are the mother and brother of A1 respectively. The case of the prosecution is that under the guise of marriage after bethrotal A1 used to have sex with defacto complainant forcefully and subsequently A1 refused to marry her and demanded dowry and avoiding the defacto complainant. Upon made a complaint by the defacto complainant A1 married the defacto complainant on 29.07.2022, whereas the A1 and the petitioners are refused to register the marriage and threaten the defacto complainant with dire consequences and stating that the marriage was not solemnized with A1 is null and void and evading the registration process and thereby cheated the defacto complainant. Hence, the present case.



Crl.O.P.No.20743of 2022

WEB COPY

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 Government Advocate (Crl.Side) would submit that under the guise of marriage after bethrotal A1 used to have sex with defacto complainant forcefully and subsequently A1 refused to marry her and demanded dowry and avoiding the defacto complainant. He would further submit that A1 was arrested and remanded to judicial custody. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the petitioners are mother and brother of A1 and there is no specific overt act against the petitioners.

6. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.20743of 2022

WEB COPY

7. 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-Cum-District Munsif, Madhavaram*** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 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 2nd 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 1st petitioner shall report before the respondent police as and when required for interrogation.



Crl.O.P.No.20743of 2022

WEB COPY

[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 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.

01.09.2022

Vv



WEB COPY



Crl.O.P.No.20743of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.20743 of 2022

01.09.2022