



CrI.O.P.No.21726 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 498(a), 323, 506(i) IPC and section 4 of Dowry Prohibition Act in Crime No.38 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant/wife of the first petitioner is that the petitioners had demanded additional dowry from her and abused and committed matrimonial cruelty on her. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false complaint has been registered against them. The first petitioner and the defacto complainant are husband and wife due to matrimonial dispute, the first petitioner filed petition for divorce in HMOP.No.387 of 2022 on the file of the Family Court, Salem and only after filing of the petition, the false complaint has been given. He would prayed for grant of anticipatory bail.

4.The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioners abused the defacto complainant and demanded additional dowry from her and investigation is pending.



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5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Additional Mahila Court, Salem, on condition that the petitioners shall execute a separate bond 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 first petitioner shall report before the respondent Police daily at 10.30a.m., for a period of four weeks and thereafter on every Monday at 10.30am until further orders. The second and third petitioner shall report before the respondent Police daily at 10.30a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during



investigation or trial.

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[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 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]*.

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

With the above directions, this Criminal Original Petition is ordered.

09.09.2022

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