



Crl.O.P.No.23034 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 498(A) of IPC, in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant's daughter are husband and wife. It is alleged that the petitioner along with other accused caused cruelty by demanding Rs.5 Lakhs from the defacto complainant's daughter. It is also alleged that the petitioner along with other accused harassed the defacto complainant's daughter and attempted to kill her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused has been granted anticipatory bail before this Court dated 18.07.2022 in Crl.O.P.No.16589 of 2022. Hence, he prays for grant of anticipatory bail



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to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused harassed the defacto complainant by demanding dowry of Rs.5 Lakhs. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner kicked the victim due to which she gave pre-matured birth to a still born baby. Thereafter, he attempted to strangle her and as such she got admitted in the hospital.

6. Considering the above facts and circumstances of the case and also considering the fact that this Court dismissed the earlier anticipatory bail petition against the petitioner, the respondent failed to secure the petitioner and the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in



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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 Additional Mahila Court, Salem, on condition that the petitioner shall execute a separate 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 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 appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not absconds either during investigation or trial.

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

23.09.2022

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