



Crl.O.P.No.22935 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 506 (ii) r/w 4 of Dowry Prohibition Act, 1961 in Crime No.13 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner induced the *de-facto* complainant, on the promise of marrying her had sexual intercourse, later refused to marry her demanding a sum of Rs.2,00,000/- and 50 sovereign Gold. Hence, the complaint.

3. The learned counsel for the petitioner would submit he is a relative of *de-facto* complainant. The *de-facto* complainant is a married woman living separately from her husband and she is not divorced. There was a consensual relationship between the *de-facto* complainant and the petitioner, where she had compelled the petitioner to marry her. The petitioner had agreed to marry her after she obtains divorce, whereas she gives a false complaint. 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 induced the *de-facto* complainant, on the promise of marrying her had sexual intercourse, later refused to marry her demanding a sum of Rs.2,00,000/- and 50 sovereign Gold. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels. Taking into consideration the facts and circumstances of the case, 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 - I, Udumalpet** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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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 report before the respondent police everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioner 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]**.



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nst/mpl

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

22.09.2022

nst/mpl

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