



Crl.O.P.No.23776 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 alleged offence punishable under Sections 498(A), 506(1), 406, 494 and 4 of Dowry Prohibition Act, 196, in Crime No.3 of 2022 on the file of the Respondent Police, seeks bail.

2.It is the case of the prosecution that the the marriage between the defacto complainant and the petitioner was solemnized on 04.12.2011. The further allegation is that after the marriage they went to America and later came back to India. On their return from America, the in-laws have threatened the defacto complainant to leave her husband and also stated that she is not suitable to be his wife. Subsequently, while cases were going regarding their matrimonial dispute, the petitioner had married another girl on 16.07.2022. Hence the complaint.

3.Learned Counsel for the Petitioner submitted that the



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Petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant got married during 2011, thereafter, they were living in the U.S.A when they came back to India, the petitioner came to know that the defacto complainant was affected with Hepatitis-B and suppressing the same, their marriage was performed. Later, on the advise of doctors and relatives, she agreed for mutual separation and she had also given undertaking affidavit. Based on which, the petitioner after 11 years has married another woman. Accordingly, prays for anticipatory bail.

4.Learned Government Advocate (Crl. Side) vehemently opposed to the grant of anticipatory bail to the petitioner stating that while cases are going on regarding their matrimonial dispute, the petitioner had married another girl.

5.Taking into consideration the facts and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 Cheyyar Judicial Magistrate Court, Cheyyar, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30 a.m., for a period of two weeks, thereafter report before the respondent police on every Saturday at 10.30 a.m. until further orders.



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[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]**;

[f] If the accused thereafter absconds, a fresh F.I.R can be registered under Section 229A IPC;

12.10.2022

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