



Crl.O.P.No.25016 of 2022

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WEB C **G.K.JILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 323 and 506(1) IPC, r/w Section 4 of Dowry Prohibition Act, in Crime No.65 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. It is alleged that the petitioner along with other accused persons demanded huge dowry from the defacto complainant. When the same was questioned by the defacto complainant the accused persons harassed and threatened her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the fourth anticipatory bail petition filed by the petitioner. Earlier petitions filed by the petitioner was dismissed by this Court. He also submitted that the co-accused were granted anticipatory bail by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner harassed the defacto complainant by demanding huge dowry and there is no change of circumstances after the previous dismissal orders passed by this Court on merits. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though this Court dismissed the earlier petitions filed by the petitioner on three occasions, the respondent failed to secure the petitioner so far. Therefore, no purpose would be served if the anticipatory bail filed by the petitioner is kept pending. The investigation is also pending.

6. Considering the above facts and circumstances of the case, 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 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 Judicial Magistrate Court



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No.II, Mannargudi, on condition that the petitioner shall execute a 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 report before the respondent police daily at 06.30 p.m, for a period of six 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 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 FIR can be registered under Section 229A IPC.

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