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Crl.O.P.No.25702 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) and 506(1) of IPC and Section 4 of Women Harassment Act, in Crime No.41 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that marriage between herself and the A1/1st petitioner herein was solemnised on 26.06.2016 at Sri Subramaniya Swamy temple at Veludaiyanpattu. Further allegation is that her husband and her in-laws had ill treated the *de-facto* complainant and demanded dowry from her. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. The



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marriage between the *de-facto* complainant and the 1st petitioner was solemnized in the year 2016 and thereafter, due to matrimonial issues the *de-facto* complainant left the matrimonial home. Thereafter, the 1st petitioner has filed HMOP.No.66 of 2019 on the file of the Sub Ordinate Court at Panruti for divorce and only after receipt of the summons from the Court, a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners had ill treated the *de-facto* complainant and demanded dowry from her. He further submitted that the investigation is pending, hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate, No.1, Panruti**, on condition that each of the petitioners shall execute a separate 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 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders. The 2nd and 3rd petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



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

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

28.11.2022

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