



Crl.OP.No.25922 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 506(ii) and 109 of IPC in Crime No.48 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Abinaya is that the marriage between the petitioner and the defacto complainant was solemnized on 06.06.2019 and at the time of marriage, 70 sovereigns of gold and Rs.5,00,000/- of cash were given. The further allegation is that the petitioner along with his family members had harassed her and demanded more dowry from her and insisted her to reduce weight and abused her mentally and physically. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that there was a matrimonial dispute between the parties and the defacto complainant has filed a divorce petition in HMOP.No.50 of 2022



on the file of the Sub Court, Salem and she has also given a false complaint.

Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the marriage between the petitioner and the defacto complainant was solemnized on 06.06.2019 and at the time of marriage, 70 sovereigns of gold and Rs.5,00,000/- of cash were given. The further allegation is that the petitioner along with his family members had harassed and demanded more dowry and insisted her to reduce weight and abused her mentally and physically. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail 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*



Additional Mahila Court, Salem 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 every day at 10.30 a.m for a period of two 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.



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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.

10.11.2022

Vv



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