



Crl.O.P.No.25816 of 2022

Crl.O.P.No.25816 of 2022

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), 494, 354(D)(i), 294(b), 506(i) of IPC, Section 4 of the Dowry Prohibition Act, 1961 and Section 66(E) of the Information Technology Act, 2000, in Crime No.45 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 the marriage between the first petitioner/A1 and the de facto complainant was performed on 04.06.2017. The further allegation against the petitioners is that the first petitioner/A1 along with other accused have demanded huge dowry and they have physically and mentally harassed the de facto complainant. Furthermore, the first petitioner/A1 had taken obscene videos of the de facto complainant and threatened her to upload the same in social media.



Crl.O.P.No.25816 of 2022

WEB COPY

3. The further allegation is that the first petitioner/A1 has also married another women, where, the earlier marriage was in subsistence. Hence the complaint.

4. The learned counsel for the petitioners would submit that a case of matrimonial dispute is blown out of proportion. Due to intervention of elders and common friends, the matrimonial dispute has been settled between the first petitioner and the de facto complainant, pursuant to which, all the jewellery and other house hold articles were returned to the de facto complainant. He would further submit that the petitioners are innocent persons, they have been falsely implicated and a false case has been foisted against them. Hence, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal side) would submit that the petitioner along with other accused have demanded huge dowry i.e., Rs.1,00,00,000/- from the de facto complainant and also



Crl.O.P.No.25816 of 2022

harassed her to the core. He would further submit that the first petitioner/A1 had also taken obscene videos of the de facto complainant and threatened her to upload the same in social media. He also submits that the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsel on both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 Additional Mahila Fast Track Magistrate, Salem**, on condition that **each of the petitioner shall execute a bond for a sum of**



Crl.O.P.No.25816 of 2022

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 first petitioner/A1 shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and the other petitioners/A3, A4, A5 and A6 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.

[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.



Crl.O.P.No.25816 of 2022

WEB COPY

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.10.2022

arb



WEB COPY



Crl.O.P.No.25816 of 2022

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.25816 of 2022

28.10.2022