



Crl.O.P.No.26231 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 offences punishable under Section 294(b), 498(A) and 506(i) of IPC in Crime No.145 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that the marriage between the *de-facto* complainant and the petitioner was solemnized during the year 2012. The further allegation against the petitioner is that the petitioner used to threatened the *de-facto* complainant frequently and abused her with filthy language and demanded dowry out of their wedlock. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated by the respondent police. He would further submit that the *de-facto* complainant had left the matrimonial home as early as 2018 and a false case has been foisted against the petitioner. Hence, he prays to grant



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anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the marriage between the petitioner and the *de-facto* complainant was solemnized during the year 2012. He would further submit that the petitioner had abused the *de-facto* complainant with filthy language, threatened her with dire consequences and had demanded dowry frequently from the *de-facto* complainant. He further submitted that the petitioner/A1 has been arrested and enlarged on bail and the investigation is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the petitioner and the *de-facto* complainant have been living separately, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 **learned Judicial Magistrate, Sirkali**, on condition that the petitioner 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 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every saturday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either



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during investigation or trial.

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[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.

28.10.2022

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