



Crl.O.P.No.26647 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 Sections 294(b), 323 and 506(1) of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Kalaiyarasi is that the marriage between herself and the petitioner was performed on 13.06.2019. Thereafter, the accused had harassed her and demanded dowry and also sent her out of her matrimonial home and threatened her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that his marriage with the *de-facto* complainant was performed on 13.06.2019. Thereafter, due to matrimonial dispute the *de-facto* complainant had deserted and left the matrimonial home and she has given a false



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complaint. Earlier, enquiry was conducted by the respondent police and finding that the complaint was false, the respondent police has closed the complaint. Thereafter, the *de-facto* complainant had filed a complaint under Section 156(3) of Cr.P.C. and based on the direction from the Court, the present case has been registered. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the marriage between the *de-facto* complainant and the petitioner was performed on 13.06.2019. Thereafter the accused had harassed her and demanded dowry and also sent her out of her matrimonial home and threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 petitioner with certain conditions.



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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 **Additional Mahila Court at Ariyalur District**, 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 everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.



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[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.

03.11.2022

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