



Crl.O.P.No.26428 of 2022

A.D. JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 498(A), 109 and 315 of IPC in Crime No.27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of A1 and they got married on 31.08.2020 and the defacto complainant had paid a sum of Rs.3lakh to A1 for marriage expenses. It is the further allegation that the petitioner and other accused had committed cruelty and demanded more dowry and also tortured the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, the marriage between the petitioner and the defacto complainant was solemnised on 31.08.2020, due to a matrimonial dispute a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.side) would submit that the marriage

between the petitioner and the defacto complainant was solemnised on



31.08.2020. The defacto complainant had paid a sum of Rs.3lakh to A1 for marriage expenses. He would submit that the petitioner and other accused had committed cruelty and demanded more dowry and also tortured the defacto complainant. He would further submit that A2 and A3 in this case were granted bail by this Court in CrI.OP.No.18547 of 2020 dated 05.08.2022 and A4 and A5 were granted anticipatory bail by the trial Court. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (CrI.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before the Additional Mahila Court, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 daily at 10.30am 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.

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

With the above directions, this Criminal Original Petition is ordered.

01.11.2022

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