



Crl.M.P.No.17323 of 2022

in

Crl.O.P.No. 25016 of 2022

G.K.ILANTHIRAIYAN, J.

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the second respondent herein in Crl.O.P.No.25016 of 2022, by an order dated 14.10.2022.

2. The case of the prosecution is that the petitioner and the second respondent are husband and wife. It is alleged that the second respondent along with other accused persons demanded huge dowry from the defacto complainant. When the same was questioned by the defacto complainant, the accused persons harassed and threatened her. Hence, the complaint.

3. Considering the facts and circumstances, this Court had granted anticipatory bail to the second respondent dated 14.10.2022 with the following condition :

“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



Judicial Magistrate Court No.II, Mannargudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 06.30 p.m, for a period of six weeks and thereafter as and when required for interrogation.

[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



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*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.

3. According to the petitioner, on 15.10.2022, the very next day of grant of anticipatory bail by this Court, when the petitioner was returning from her office, the second respondent attacked her and as such, she sustained injuries on her head. She was admitted to the Government Hospital, Mannargudi for taking treatment and on the same day, she was discharged from the hospital. The petitioner also produced some photographs. Immediately she lodged a complaint before the Inspector of Police, Mannargudi Town Police Station, Mannargudi and she was issued CSR No.680 of 2022 dated 16.10.2022 and enquiry is pending.

4. The learned counsel appearing for the second respondent submitted that the complainant filed a complaint under Domestic Violence Act and the same was also posted on 14.10.2022 before the Trial Court. Therefore, no such occurrence had taken place as alleged by the petitioner. He has also duly complied with the condition imposed by



this Court.

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5. The learned Additional Public Prosecutor appearing for the first respondent police submitted that as directed by this Court, the second respondent surrendered before the concerned Court and is also duly complying with the condition. Though, the petitioner lodged a complaint and she was issued CSR No.680 of 2022, she did not produce any record to show that she sustained injuries and was admitted in the hospital.

6. In view of the above, this Court is not inclined to cancel the anticipatory bail granted to the second respondent by this Court, since it is a family dispute between the husband and wife. However, the Inspector of Police, Mannargudi Town Police Station, Mannargudi, is directed to conduct enquiry in CSR No.680 of 2022 and if any cognizable offence is made out, the Inspector of Police, Mannargudi Town Police Station, Mannargudi, is directed to register the FIR in accordance with law and proceed further. The first respondent is directed to complete the investigation and file final report within a period of twelve weeks from the date of receipt of a copy of this order.



7. In the result, this Criminal Miscellaneous Petition is disposed

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28.11.2022

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Copy to :

The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi.



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