



Crl.O.P.No.28928 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 498 A, 323 and 506(i) of IPC in Crime No.40 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused were classmates and they fell in love with each other and they got married on 25.02.2021. The further allegation is that, the parents of the first accused received money from the defacto complainant on various occasion for developing the petitioner's business. Thereafter, the petitioner along with his parents had harassed her and also driven out from her matrimonial home. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to matrimonial dispute, false case has been lodged by the defacto complainant. He would further



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submit that the petitioner and the defacto complainant are classmates, thereafter they loved each other and got married. He would further submit that, at the time of marriage, no dowry was given by the defacto complainant and subsequently there was a misunderstanding between them and the defacto complainant left the matrimonial home. He would further submit that the petitioner had filed divorce petition before the learned Additional Family Court, Coimbatore and only after receipt of summons, the defacto complainant had lodged a false case. Hence he seeks to grant anticipatory bail in respect of the petitioner.

4. The learned Additional Public Prosecutor would submit that, the petitioner along with his parents harassed the defacto complainant by demanding more dowry and also driven out from her matrimonial home. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submission that and it is a case of family dispute, this Court is inclined to grant Anticipatory Bail 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 learned Judicial Magistrate, Additional Mahila Court, Coimbatore on condition that the each of 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 daily at 10.30.a.m., 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



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trial.

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[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.

24.11.2022

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