



Crl.O.P.No.27698 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), 294(b), 506(1) of IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.44 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Madhivadhani is that the marriage between her and the accused was solemnized on 21.08.2020 and at the time of marriage, Rs.4,00,000/- was spent. The further allegation is that her husband had demanded huge dowry from the de facto complainant and harassed her and driven her out of her matrimonial home. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the marriage between the de facto complainant and the petitioner/accused was



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solemnized on 21.08.2020 and due to matrimonial dispute, the de facto complainant had deserted the petitioner and gone to her parents home. He would further submit that a case of matrimonial dispute is blown out of proportion. He would also submit that the petitioner/accused had filed a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights and the petition is pending in H.M.O.P. No.116 of 2022 on the file of the Sub Court, Neyveli and only after receiving of summons, a false complaint has been given. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent would submit that the petitioner is the husband of the de facto complainant. The marriage between the petitioner/accused and the de facto complainant was solemnized on 21.08.2020. He would further submit that the petitioner/accused has demanded huge dowry from the de facto complainant and harassed her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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-I at Panruti**, 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:



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[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., 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]**.



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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