



Crl.O.P.No.27874 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) and 506(1) of IPC and Section 4 of Dowry Prohibition Act 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/Mathivathani is that the marriage between her and A1/Gowtham was solemnised on 21.08.2020 and during that time, 47soverigns of jewels, Rs.5lakh cash and Swift car was given as dowry. Only after marriage, she came to know that her husband was drunkard and he was also indulging in online gambling. When she was in the matrimonial home, the *de-facto* complainant was harassed and abused by her husband and his family members. The further allegation is that her husband had also lost all the cash and jewels in online gambling. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A4 and she is the sister-in-law of the *de-facto* complainant. He would further submit that in respect of the parents of the petitioner, this court had already granted anticipatory bail to them in Crl.O.P.No.28506 of 2022 on 24.11.2022 on the undertaking given by them that they will return a sum of Rs.13lakhs towards the value of the jewels alleged to be lost by their son/A1. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor would submit that by suppressing that A1 is a drunkard, the petitioner along with other accused have arranged the marriage. Later, A1 had lost all the jewels of the wife in online gambling. All the accused have abused the *de-facto*



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complainant and driven her out of the matrimonial home. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. 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.

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 JM - 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:

[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



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[b] the petitioner shall report before the respondent police 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 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.

25.11.2022

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