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Crl.O.P.No.30463 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence punishable under Sections 498(A) read with Section 109 of IPC in Crime No.30 of 2022, seeks anticipatory bail.

2. The defacto complainant/Kalaiyarasi is the wife of the 1st petitioner. The case of the prosecution is that the defacto complainant was abused by her husband. The family members of the 1st petitioner also harassed the defacto complainant by demanding dowry. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He further stated that the defacto complainant suppressed her earlier marriage with one Sivasakthi, due to which there was a family



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dispute between them. Therefore, the 1st petitioner had filed the petition for divorce in O.P.No.3616 of 2022 on 19.10.2018 before the I Additional Family Court, Chennai. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the defacto complainant abused and harassed by her husband and his family members by demanding dowry. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate II, Aathur, Salem District** on condition that each of the petitioners 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 petitioners 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 first petitioner is directed to appear before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. The second, third and fourth petitioners are directed to appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

13.12.2022

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