



Crl.O.P.No.263 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.15 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first petitioner had married the de-facto complainant during the year 2018, by concealing the truth that he is not a graduate. The further allegation is that the petitioners have harassed her by demanding dowry and have also threatened with dire consequences.. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also stated that due to the matrimonial dispute, the de-facto complainant has lodged a false complaint as against the petitioners. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first petitioner has cheated the de-facto complainant and married her. He further stated that the petitioners are the family members of the de-facto complainant, who had demanded her more dowry and harassed her and they have also threatened with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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

7. Accordingly, the petitioners are ordered to be released on anticipatory bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Omalur**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only)each 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 stands 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 and third petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of three months and thereafter as and when required for interrogation;

[c] the petitioner shall report before the respondent police, as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

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[f] 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]**;

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

8. Considering the nature of dispute between the parties, the matter is referred for mediation in order to resolve the dispute amicably between the parties. Therefore, the parties are directed to appear before the Mediation Centre, Salem on 20.01.2023. The Mediation shall be completed and referred back to the Court with the mediation report on 30.01.2023.

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06.01.2023

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