

CRL.O.P.No.708 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offences under Sections 498(A) and 506(ii) IPC in Cr.No.68 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner got married on 01.09.2021 and there was some misunderstanding between them. While so, on 17.12.2022, there arose a wordy quarrel arose between them, in which the petitioner abused and assaulted the defacto complainant and also alleged to have snatched 9 Sovereings of gold and she was thrown away from her matrimonial house. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was only a matrimonial dispute between the petitioner and the defacto complainant, due to which a false complaint has been given against the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) submits that the defacto complainant and the petitioner got married on 01.09.2021 and there was some misunderstanding between them. While so, on 17.12.2022, there arose a wordy quarrel arose between them, in which the petitioner abused and assaulted the defacto complainant and also alleged to have snatched 9 Sovereings of gold and she was thrown away from her matrimonial house. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there was matrimonial dispute between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Considering the matrimonial dispute between the parties, this Court directs the petitioner to go for mediation with the defacto complainant at Mediation and Conciliation Centre, Salem on 23.01.2023 for five sittings.



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 of receipt of a copy of this order, before the learned **Judicial Magistrate - Additonal Mahila Court, Salem**, on condition that the petitioner 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 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 Court concerned 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 on every Saturday at 10.30 a.m. for a period of four weeks and thereafter, 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

T.V.THAMILSELVI, J.

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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 anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.01.2023

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Copy to:

1. The Mediation and Conciliation Centre,
Salem.

Crl.O.P.No.708 of 2023