



CRL.O.P.No.3843 of 2023

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T.V.THAMILSELVI,J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b) IPC, in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant loved each other and they got married on 20.09.2021. Out of their wed-lock, they have a male child. The petitioner and his family members demanded the dowry of Rs.1 lakh and 5 Soven gold. Aggrieved over the same the defacto complainant lodged a complaint. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, and he has been falsely implicated in this case. He would further submit that this is the second anticipatory bail petition, already in Crl.O.P.No.30610 of 2022 was dismissed on 14.12.2022, by this Court. He would also submit that the matter has been referred to mediation Centre on 27.02.2023, the defacto complainant had refused to participate in the mediation, so, the mediation was not reached among the parties. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) would submit

that both the parties are directed to appear before the Mediation Centre on 27.02.2023, but the defacto complainant refused to appear before the Mediation and not co-operating for Mediation.

5. Considering the facts and circumstances, the defacto complaint is not inclined to co-operate for Mediation, and the matter was not settled through mediation, Out of their wed lock they have a male child, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Katpadi, 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, 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 identity.

[b] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter as and



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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.

20.07.2023

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