



Crl.O.P.No.6628 of 2023

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**K.KUMARESH BABU, J.**

The petitioners who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 295(b), 323, 506(i) I.P.C. Read with Section 4 of Dowry Prohibition Act, 1961, in Crime No.7 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the 1<sup>st</sup> petitioner and the de-facto complainant are husband and wife. There was a wordy quarrel between the petitioners and the de-facto complainant with regard to purchase of a house jointly and that the 1<sup>st</sup> petitioner is paying the monthly instalment. Multiple false complaints were made by the de-facto complainant on the 1<sup>st</sup> petitioner. While that being so, the 1<sup>st</sup> petitioner filed divorce against the de-facto complainant in H.M.O.P.No.713 of 2023 before the VII Additional Family Court. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence



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as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that 1<sup>st</sup> petitioner and the de-facto complainant are husband and wife. There was a wordy quarrel between the petitioners and the de-facto complainant with regard to purchase of a house jointly and that the 1<sup>st</sup> petitioner is paying the monthly instalment. Multiple false complaints were made by the de-facto complainant on the 1<sup>st</sup> petitioner. While that being so, the 1<sup>st</sup> petitioner filed divorce against the de-facto complainant in H.M.O.P.No.713 of 2023 before the VII Additional Family Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on 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 Additional Mahila Court, Thiruvavarur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) for each person 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 petitioners are directed to appear before the respondent/ police and the Court as and when required for interrogation and for all hearings. No cohesive steps to be taken as against the petitioners.



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[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.

[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.

**17.05.2023**

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