



Crl.O.P.No.7797 of 2023

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 of IPC read with Section 4 of Dowry Prohibition Act in Crime No.17 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sumathi is that she got introduced to the accused through matrimonial website and thereby they had met at Vijaya Forum Mall, Vadapalani on 21.01.2021 and elders in both the family met and the marriage between the defacto complainant and the accused was fixed and at that time the accused was working at Dubai. Later, due to their relationship and the petitioner assured that he would marry her, the accused had sexual intercourse with her and after some time, the accused had demanded 30 sovereign gold jewels and Rs.5 lakhs cash and also refused to marry her. Hence the case.

3. The learned Counsel for the petitioner would submit that the



Crl.O.P.No.7797 of 2023

petitioner and the defacto complainant got acquainted through matrimonial website and their marriage was fixed by elders of both the family members. Later, the petitioner came to know that the defacto complainant was acting in the cine field and the petitioner asked her to stop acting and a quarrel arose between them and due to which, the engagement has got broken. Further he would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case as if the petitioner had demanded 30 sovereign of jewels and Rs.5 lakhs cash from the defacto complainant. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had agreed to marry the defacto complainant and later during the period of courtship, the petitioner had sexual intercourse with the defacto complainant. Later, the



CrI.O.P.No.7797 of 2023

petitioner had demanded 30 sovereign of jewels and Rs.5 lakhs cash from the defacto complainant and also refused to marry her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the **learned Judicial Magistrate No.II, Poonamallee** 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



Crl.O.P.No.7797 of 2023

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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 everyday at 10.30 a.m., until further orders.

[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



Crl.O.P.No.7797 of 2023

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.

17.04.2023

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Crl.O.P.No.7797 of 2023

A.D.JAGADISH CHANDIRA, J.

mfa

Crl.O.P.No.7797 of 2023

17.04.2023