



Crl.O.P.No.8056 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 506(i) IPC, in Crime No.29 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sushmitha is that she is a MBA Graduate and the marriage between her and the 1st petitioner was solemnized on 24.02.2023 and she started living along with the petitioners 2 to 4 as joint family. After marriage, she came to know that her husband/1st petitioner was having relationship with another girl for about 10 years prior to the marriage and since their family Astrologer had informed that the 1st marriage of the 1st petitioner would not sustain, the 1st petitioner and his parents arranged marriage with the defacto complainant and after marriage, they used to tease and harass the defacto complainant. Further the 1st petitioner had showed porn videos to the defacto complainant and compelled her behave in such a manner. Hence, the case.



CrI.O.P.No.8056 of 2023

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the marriage between the defacto complainant and the 1st petitioner was solemnized on 24.02.2023 and immediately within one month of marriage, there was a misunderstanding between them and subsequently, the defacto complainant left the matrimonial home and gave a false complaint against the petitioners with exaggerated allegation. However, there is no allegation of dowry harassment and that the defacto complainant has already taken away her jewels. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioners stating that 1st petitioner/the husband of the defacto complainant was having relationship with another girl for about 10 years prior to the marriage. However, since their family Astrologer had informed that the marriage of the 1st petitioner would not sustain, the 1st petitioner and his parents arranged marriage with the defacto complainant and after marriage, the 1st petitioner used to tease



Crl.O.P.No.8056 of 2023

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and harass the defacto complainant for which, the petitioners 2 to 4 who are the parents and relative of the 1st petitioner, were supportive. Further, the 1st petitioner by showing porn videos to the defacto complainant, compelled her to behave in such a manner and sexually harassed her. Thereafter, on 22.03.2023 and 24.03.2023, the 1st petitioner threatened her get out of the matrimonial home and pushed her down. Hence, the case.

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

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Judicial Magistrate No.2, Hosur**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.25,000/-**



Crl.O.P.No.8056 of 2023

(Rupees Twenty Five Thousand Only) with two sureties 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent police everyday at 06.30 p.m. for a period of four weeks and thereafter, every Saturday at 6.30 p.m. until further orders.

The petitioners 2 to 4 shall report before the respondent police everyday at 6.30 p.m. for a period one week and thereafter, as and when required for interrogation.

[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.



Crl.O.P.No.8056 of 2023

[e] 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].

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

20.04.2023

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Crl.O.P.No.8056 of 2023

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ksa-2

Crl.O.P.No.8056 of 2023

20.04.2023