



Crl.O.P.No.10090 of 2023

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S.SOUNTHAR, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 294(b) of I.P.C. and Section 4 of the Dowry Prohibition Act, 1961 in Crime No.8 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due matrimonial dispute between the first petitioner and de-facto complainant, the de-facto complainant was forced to leave the matrimonial home. Thereafter at the intervention of some common persons she continued to live in matrimonial home. But all of a sudden the first petitioner issued summons for divorce. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that it is a case of matrimonial dispute between the petitioners and de-facto complainant.

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

6. Having regard to the nature of allegations made in the F.I.R. and also of the fact that it is a matrimonial dispute, 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-I, Ambattur**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties** each for a like sum to the



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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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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