



CrI.O.P.No.11702 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 506(i) of IPC and Section 4 of 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 the first petitioner who is the husband of the defacto complainant, often tortured her demanding dowry. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not involved in any offence as alleged by the prosecution. He further submitted that no family court proceedings are pending between the parties. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(crl.side) would submit that the defacto complainant is the wife of the first petitioner and the second petitioner is the mother of the first petitioner. The allegation against the first petitioner is that he often tortured the complainant demanding dowry and also threatened her.



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5. Considering the facts and circumstances of the case and also considering that no family court proceedings are pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Judicial Magistrate, Additional Mahila Court, Salem on condition that each of the petitioners shall execute a separate 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 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 first petitioner shall report before the respondent police at 10.30 a.m. weekly once i.e. Monday until further orders; the second petitioner shall report before the respondent police as and when required for interrogation



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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 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.

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