



Crl.O.P.No.14273 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 alleged offences punishable under Sections 498-A and 506(ii) of IPC in Crime No. 6 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complaint is that the marriage between the her and the first petitioner was solemnised on 25.04.2021 and at the time of marriage, 50 sovereigns of gold was given to her, 10 sovereigns of gold was given to her husband (A1) and cash of Rs.3 lakhs was given. The further allegation is that the accused had demanded additional dowry and threatened her and driven her out of the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the defacto complainant was solemnised on 25.04.2021 and thereafter due to matrimonial dispute, the defacto complainant has gone to her parents house. He further submit



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that the first petitioner was working in abroad and exaggerated a false complainant has been given. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the marriage between the first petitioner and the defacto complainant was solemnised on 25.04.2021 and at the time of marriage, 60 sovereigns of gold and cash of Rs.10 lakhs was given and later they demanded additional dowry from her. He further submit that A1 was working in abroad and the matter arises out of matrimonial dispute. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the FIR.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel on both sides, 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 Court, Polur**, on condition that the petitioner shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 petitioner and the surety 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m, for a period of four weeks and thereafter every Saturday at 10.30 a.m, until further orders.

[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.

27.06.2023

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A.D.JAGADISH CHANDIRA,J.



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