



Crl.O.P.No.14838 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498 (A) & 506 (2) IPC, in Crime No.40 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that the marriage between petitioner and defacto complainant was celebrated on 16.07.2013. It is the submission of the learned counsel for the petitioner that the marital life between petitioner and defacto complainant was not good and therefore, they are living separately. In fact, petitioner filed a petition for divorce on the ground of cruelty. He further submitted that their child is nine years old and petitioner is taking care of the child. Petitioner filed GWOP No.14 of 2021 seeking custody of the minor child and that petition was allowed. While that be the case, after so many years from the date of the marriage, complaint was given with false allegations against the petitioner.



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3. In response, the learned Government Advocate (Crl.Side) submitted that it is alleged in the complaint that petitioner had committed cruelty against the defacto complainant demanding more dowry.

4.Considering the factual background of the case that the marriage between petitioner and defacto complainant was celebrated on 16.07.2013 and there are several litigations between them with regard to the child custody and also the fact that this complaint was given on 29.05.2023 on the allegations of dowry harassment, this Court is of the view that custodial interrogation of the petitioner in matrimonial dispute case is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner and 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 Additional Mahila Judge, Coimbatore**, 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



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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 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 as and when required by the respondent police for interrogation.

[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



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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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