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Crl.O.P.No.15692 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 4 of Dowry Prohibition Act, 1961 and Sections 417, 498(A), 294(b), 323, 354A & 506(1) of IPC in Crime No.12 of 2023** on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that in a matrimonial dispute, the *de-facto* complainant gave a complaint against the petitioner in Crime No.12 of 2023 for the offences under Sections 4 of Dowry Prohibition Act, 1961 and Sections 417, 498(A), 294(b), 323, 354A & 506(1) of IPC. He submitted that petitioner is innocent and he is falsely implicated in this case. Apprehending arrest, this petition is filed by the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that petitioner married the *de-facto* complainant. After marriage, the petitioner avoided having sexual relationship



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with the *de-facto* complainant claiming that he has some health issues. Thereafter, petitioner's brother tried to misbehave with the *de-facto* complainant. All the accused started harassing the *de-facto* complainant.

4. It is seen that A2 & A3 were arrested and released on bail. A4 was also granted anticipatory bail.

5. Considering the fact that it is a family issue and that petitioner is the husband of the *de-facto* complainant, in order to give an opportunity to resolve the issue, this Court is of the view that, petitioner may be granted anticipatory bail. If he is arrested, that may be an end to the matrimonial life between the petitioner and the *de-facto* complainant.

6. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner. 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 Judicial Magistrate, Pennagaram, Dharmapuri-District**, on condition that the petitioner shall execute



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a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 everyday at 10.30 a.m., until further orders;

[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.



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[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 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.

21.07.2023

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