



Crl.O.P.No.17049 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of Indian Penal Code in Crime No.148 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the husband of the petitioner/accused and he made a complaint before the respondent police that he got married on 05.04.2023 according to the Hindu rites and Customs and on 05.07.2023, the petitioner escaped from his house by taking Rs.1,50,000/- and on enquiry by her husband, it came to light that earlier also, the very same lady/the petitioner herein has married and cheated two others.

3.The learned counsel for the petitioner would submit that the petitioner hails from an orthodox muslim family, married at a age of 14 and subsequently broke the marriage and she was a Beautician Assistant and they met through instagram and got married and went to the home



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town of the defacto complainant i.e. Omalur on 05.04.2023 and living for three days and since circumstances was contagious, she left the place. However, the husband has come forward with a false case. Therefore, she prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police based upon the instructions could contend that in the FIR, it is disclosed that she has taken away 4 Soverigns of gold jewels ie. Thali Chain (3 ½ Souverigns) one ring (½ souverign) and hence, a case has been filed against her. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. In reply the learned counsel for the petitioner submitted that the petitioner without prejudice is ready and willing to deposit a sum of Rs.1,50,000/- to the credit of Crime No.148 of 2023, before the learned Judicial Magistrate, Omalur. Hence prayed for grant of anticipatory bail.

6. Heard both parties and perused the records.



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7.Taking into consideration the facts and submissions of the learned Counsel and the nature of the allegation, more particularly, that this petitioner has moved away from the house of the defacto complainant/husband with jewels, this Court is inclined to grant anticipatory bail to the petitioner subject to the certain conditions.

8.Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- [Rupees One Lakh and Fifty Thousand only] to the credit of Cr.No.148 of 2023 before the concerned Judicial Magistrate, Omalur without prejudice to her rights and contentions before the trial Court, and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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



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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 on every Monday and Friday at 10.30 a.m., for a period of three weeks and thereafter, as and when required.

[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



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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;

07.08.2023

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