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Crl.O.P.No.16375 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) and 506(i) of IPC in Crime No.34 of 2023, seeks anticipatory bail.

2.The defacto complainant / wife of the first petitioner had lodged a complaint on 20.10.2023, complaining about demand of dowry and continuous cruelty against her. Marriage between the first petitioner and the defacto complainant had taken place on 03.02.2023, which is just about ten months back. It is stated that the petitioner is working in the Army and he is stationed at Coimbatore. Being a uniformed personnel, it is incumbent on the part of the petitioner not to get involved in an FIR alleging offences as stated.



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3.The earlier petition seeking anticipatory bail was dismissed on 02.11.2023 in Crl.O.P.No.25124 of 2023. On that date, the anticipatory bail petition of A2 to A5 had been considered and was granted. It is seen that, till this date, the respondent have not taken the petitioner herein into custody.

4.Taking into consideration the fact that the respondent have still not taken the petitioner into custody for the past nearly eight months from the date of dismissal of the previous petition, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.Accordingly, 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 District Munsif -cum- Judicial Magistrate, Parangipettai, 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 who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing



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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.

[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.

24.07.2024



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