



Crl.O.P. No.22423 of 2024

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WEB CO P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offence under Section 498-A of IPC in Crime No.505 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that due to love affair between the 1st petitioner and the defacto-complainant, they got married on 07.10.2023, after giving promise to register the marriage, the petitioners abandoned the defacto-complainant. Hence the case.

3. The learned counsel for the petitioners would contend that these petitioners have not committed any kind of cruelty as against the defacto-complainant, the respondent police have deliberately registered the case against the petitioners. These petitioners have not involved in any offences as alleged by the prosecution. These petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioners.



Crl.O.P. No.22423 of 2024

4. The learned Government Advocate (Criminal Side) would submit that due to love affair between the 1st petitioner and the defacto-complainant, they got married on 07.10.2023. These petitioners committed offence of cruelty against the defacto-complainant. The 1st petitioner deserted the defacto-complainant, now they lived separately. Some of the matrimonial dispute cases are pending before the trial Court. There is no previous case as against the petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of allegations levelled against these petitioners and considering the relationship between the parties, there is a matrimonial dispute pending before the Court below and considering other aspects, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



Crl.O.P. No.22423 of 2024

7. Accordingly, the petitioners are ordered to be released on anticipatory 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 No.I, Pollachi, Coimbatore District** on condition that the petitioner shall execute separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00a.m. for the period of 4 weeks;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioners shall not leave India without the prior permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.



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Crl.O.P. No.22423 of 2024

[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 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 269 B.N.S.2023.

12.09.2024

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CrI.O.P.No.22423 of 2024

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