



Crl.O.P.No.28456 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) and 354(A) of IPC in Crime No.78 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Eswari, lodged a complaint against the petitioners, who are her husband, father-in-law and mother-in-law, stating that the first petitioner is a drunkard, who harassed the defacto complainant and also pledged the jewel of the defacto complainant and used the same for drinking alcohol. It is also further stated that the petitioners have demanded dowry and harassed the defacto complainant. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the defacto complainant lodged this false complaint, due to



matrimonial dispute between her and the petitioners. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners, stating that there was a matrimonial dispute between the petitioners and defacto complainant, thereby, the petitioners had harassed the defacto complainant on demand of dowry, further the first petitioner had taken away the jewels of the defacto complainant, pledged the same, for drinking liquor.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on 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, Sankarapuram** on condition that the petitioners shall execute a 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 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 petitioners 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 first petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of four weeks and thereafter, every Saturday at 10:30 a.m., until further orders, the second and third petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of one week, thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during



investigation or trial.

A.D.JAGADISH CHANDIRA, J.

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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.11.2024

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