



Crl.O.P.No.28728 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 498(A) IPC in Crime No.38 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant one Afreen Arjuman Banu, she got married with the petitioner on 13.09.2019 and due to wedlock, the defacto complainant had begotten a male child and thereafter, due to injury sustained by the defacto complainant's son on 01.11.2022, the defacto complainant, as per her father's advice, left to Chennai. It is further stated that the petitioner abused the petitioner and left to abroad and not taking care of the defacto complainant and the child, further, the petitioner is in possession of 10 grams of gold jewels and household articles, given at the time of their marriage. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the defacto



complainant got married on 13.09.2019, due to misunderstanding and matrimonial dispute between the petitioner and the defacto complainant, later the defacto complainant has deserted the petitioner three years ago and further she relinquished her right as a wife by pronouncing Khula against the petitioner on 18.10.2020 before the Chief Kazi and received all her jewels and other belongings on 06.11.2021, after due acknowledgment for the receipt of the jewels and other belongings. He also further submitted that the petitioner is working abroad, whileso, the petitioner had lodged this false complaint against the petitioner, with an intention to harass the petitioner and his parents. He would further submit that earlier the defacto complainant gave a complaint and after enquiry, it has been closed on 08.03.2024, now, a fresh complaint has been given. He would further submit that the petitioner is presently working at Belgium and would return to India in the month of December 2024 and the petitioner is also ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner is the husband of the defacto complainant and due to matrimonial dispute between them, the defacto complainant was staying along



with her child in her father's house. He would further submit that the petitioner had harassed the defacto complainant and went to a job in abroad, further not taking care of the defacto complainant and his child, and the petitioner is holding 10 grams of gold jewels and household articles given at the time of their marriage. He would further submit that the investigation is still pending.

5. Heard the learned counsel for the petitioner, 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 petitioner with certain conditions.

7. 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 Additional Mahila Court, Dharmapuri** on condition that the petitioner 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 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 appear before the respondent police within a period of four weeks from today, thereafter, everyday at 6:30 p.m, for a period of two weeks and thereafter, every Saturday at 6:30 p.m., until further orders, if not, the order of Anticipatory Bail, shall automatically stands cancelled.

[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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.11.2024

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