



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.5224 of 2021

Vijayakumar

...

Petitioner

Versus

State Rep by
Station House Officer,
All Women Police Station Villianur,
Puducherry - 605 110
(Crime No.06 of 2019)

...

Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.06 of 2019 pending investigation on the file of the respondent police.

For Petitioner : M/s.N.U.Pressanna

For Respondent : Mr.V.Balamurugane
Public Prosecutor,
Pondicherry

ORDER

The petitioner, who apprehends arrest for the alleged offences under sections 498-A, 417, 294(b), 406, 465, 506(ii), r/w Sec 34 of Indian Penal Code and Sec 4 of Dowry Prohibition Act in Crime No.06 of 2019 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 married the defacto complainant in the year 2019 and they lived together only for two months. Thereafter, due to some misunderstanding, they both got separated. It is alleged that the petitioner and his family members have harassed the defacto complainant demanding dowry. Hence, the defacto complainant lodged a complaint against the petitioner.



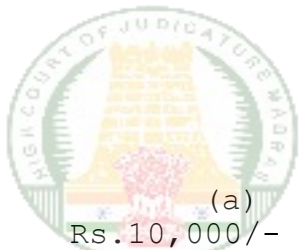
3.The learned counsel appearing for the petitioner submits that the petitioner is working as a Safety Health Officer at Singapore. The petitioner married the defacto complainant in the year 2019 with the blessings of both the family members. Thereafter, the defacto complainant failed to perform her marital duty as a wife to the petitioner and left him with huge disappointment, which forced him to file the divorce petition before the family Court, Puducherry in H.M.O.P.No.104 of 2019. Even in the said proceedings, the defacto complainant/wife of the petitioner had also appeared before the family Court. Subsequently, out of some ill motive, she gave false complaint before the respondent police. However, on instructions, he further submits that on his own volition, is ready and willing to deposit an amount of Rs.10,000/- monthly to the account of the defacto complainant as monthly interim maintenance until modified by the other Court of law. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner along with his family members have harassed the defacto complainant demanding dowry and till date, the petitioner has not taken any steps for re-union. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that there is a matrimonial dispute between the petitioner and the defacto complainant and that the issue is pending before the family Court and also that the petitioner, on his own volition is ready to deposit an amount of Rs.10,000/- monthly to the account of defacto complainant as monthly interim maintenance, this Court is inclined to grant anticipatory bail to the petitioner.

6. In view of the above matrimonial dispute between the parties, the petitioner and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, Puducherry through Puducherry Legal Service Authority for at least three sittings.

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 of receipt of a copy of this order, before the Chief Judicial Magistrate, Puducherry 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 and on further condition that:



(a) the petitioner is directed to deposit an amount of Rs.10,000/- monthly to SBI Account No:33270448517, Name: J.S. Umamageswari, IFSC Code: SBIN0016854, Branch: Villiyanur No.3 & 5 West Street as monthly interim maintenance until modified by the other Court of law, failing which this anticipatory bail will be canceled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police on the 15th working day of every month at 10.30 a.m until further orders and he is directed to co-operate in the investigation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
17/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VILLIANUR, PUDUCHERRY - 605 110.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE OFFICER INCHARGE
THE MEDIATION AND CONCILIATION CENTRE,
PUDUCHERRY.

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
PUDUCHERRY.

6 THE OFFICER INCHARGE,
PUDUCHERRY LEGAL SERVICE AUTHORITY,
PUDUCHERRY.

7 NAME: J.S.UMAMAGESWAR,
SBI ACCOUNT NO:33270448517, IFSC CODE:SBIN0016854,
BRANCH: VILLIYANUR NO.3 & 5 WEST STREET.

+1 CC to M/S. N.U.PRESSANNA Advocate on payment of necessary
charges SR.NO.15204

CRL OP.5224/2021

Date :17/12/2021

RW 29/12/2021