



Crl.O.P.No.6128 of 2023

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**A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b), 506(ii) r/w.149 IPC and section 3 and 4 of Dowry Prohibition Act, 1961 in Crime No.05 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the marriage between the defacto complainant and the first petitioner was solemnized on 12.09.2022 at Villianur, Pondicherry District under Hindu Marriage Rights and Customs Act and the entire marriage expenses was borne out by her family and at that time of marriage, 15 sovereigns of jewels, car and other household articles were given. The further allegation is that she did not get pregnant and thereby, A1 and his family members abused her and intimidated and also demanded her further dowry and driven out from the matrimonial house. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false and exaggerated complaint has been given against them on account of matrimonial dispute. The marriage between the A1 and the defacto complainant was solemnized on 12.09.2022 and entire marriage expenses was borne out by the petitioners' family only. He would submit that later there was a matrimonial dispute between the first petitioner and the defacto complainant and the defacto complainant had left the matrimonial home and given a false complaint. He would submit that the defacto complainant's 15 sovereigns of jewels, car and other household articles given at the time of marriage, the petitioners have also returned the same to the defacto complainant on 27.03.2023. He would submit that the first petitioner has also filed an application for restitution of conjugal rights. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner is husband and other petitioners are close relatives of the defacto complainant and they have



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harassed the defacto complainant and demanded more dowry. However, he would submit that the 15 sovereigns of jewels, car and other household articles belonging to the defacto complainant have been returned to the defacto complainant. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, 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 Chief Judicial Magistrate, Puducherry**, on condition that each of the



petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 one week and thereafter every Saturday at 10.30 a.m., until further orders.**

**[c] The petitioners 2 to 6 shall report before the respondent police everyday at 10.30 a.m., for a week and thereafter as and when required for interrogation.**

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

[e] the petitioners 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



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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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**12.04.2023**

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