



Crl.O.P.No.9029 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 468, 471, 420 and 506(ii) of IPC in Crime No.94 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vijayalakshmi is that she got married to the petitioner on 26.10.2015 at Cuddalore and out of the wedlock she was blessed with a daughter on 18.09.2018. It is further alleged that the petitioner had developed illegal intimacy with one Vincy and thereby he assaulted the defacto complainant and also obtained the divorce order by fraud to marry Vincy. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submit that the petitioner had earlier filed an application in MOP.No.13 of 2022 on the file of Family



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Court, Puducherry seeking for restitution of conjugal rights which was decreed on 11.03.2022. Despite the order of the Trial Court, the defacto complainant did not come and join with the petitioner and thereafter the petitioner has filed HMOP.No.211 of 2022 before the Family Court, Cuddalore and he got exparty order and thereafter he got married with one Vincy and hence a false complaint has been given against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate, Puducherry appearing for the respondent submitted that the petitioner has developed an illegal intimacy with one Vincy for which, he assaulted the defacto complainant and also obtained the forged divorce order to marry her. He further submit that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that he had already purchased the property in the name of the defacto complainant and to show his bonafide, the petitioner is also ready



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and willing to deposit a sum of Rs.50,000/- to the credit of crime number and the petitioner has no objection in defacto complainant withdrawing the amount.

6. Heard the learned counsel for the petitioner and the learned Government Advocate, Puducherry and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner without prejudice is ready and willing to deposit Rs.50,000/- to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) **to the credit of Crime No.94 of 2023** and on such deposit and on receipt of proof of payment, the petitioner is ordered to be



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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 **learned Judicial Magistrate No.III, Puducherry** on condition that the petitioners 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 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 report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 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]**;

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

9. Further, the learned Magistrate is directed to disburse the amount to the defacto complainant after issuance of notice and proper identification and acknowledgement.

14.06.2023

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