



Crl.O.P.No.19545 of 2023

Crl.O.P.No.19545 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.12 of 2023 registered by the respondent Police for the offences under Sections 294(b), 323, 498A, 506(ii) IPC and Section 3 & 4 of Dowry Prohibition Act, 1961 r/w Section 149 IPC.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in a case in Crime No.12 of 2023 registered by the respondent Police for the offences under Sections 294(b), 323, 498A, 506(ii) IPC and Section 3 & 4 of Dowry Prohibition Act, 1961 r/w Section 149 IPC. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated that the 1st petitioner is the husband of the defacto complainant. Others are her in-laws. My learned Predecessor had directed the parties to appear before the Mediation and Conciliation Centre, Pondicherry to explore the possibilities of settlement.



Crl.O.P.No.19545 of 2023

WEB COPY

4. A report had been forwarded by the Mediation and Conciliation Centre, Pondicherry stating that no agreement had been reached.

5. It is also contended by the learned Government Advocate (Criminal side) appearing on behalf of the respondent that the notice under Section 41A Cr.P.C had been issued to the petitioners herein. But they have not appeared before the respondent.

6. When the Court had granted protection to appear before the Mediation and Conciliation Centre and answer notice under Section 41A, the petitioners failed to appear before the respondent. This only shows that the petitioners are not interested in co-operating with the enquiry.

7. In view of that particular fact, I am not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, the petition is dismissed as against the 1st petitioner. But however, taking into consideration that 2nd, 3rd, 4th and 5th petitioners are only in-laws of the defacto complainant, I am inclined to grant anticipatory bail to them.



CrI.O.P.No.19545 of 2023

WEB COPY

5. Accordingly, the 2nd, 3rd, 4th and 5th 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 the 2nd, 3rd, 4th and 5th 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 2nd, 3rd, 4th and 5th 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] (i) the 2nd and 4th petitioners shall report before the respondent police once a week at 10.00.a.m., until further orders.

(ii) the 3rd and 5th petitioners shall report before the respondent police everyday at 10.00 a.m., until further orders.



WEB COPY



Crl.O.P.No.19545 of 2023

[c] the 2nd, 3rd, 4th and 5th petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd, 3rd, 4th and 5th petitioners 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 2nd, 3rd, 4th and 5th petitioners in accordance with law as if the conditions have been imposed and the 2nd, 3rd, 4th and 5th 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 229A IPC;

01.11.2023

gd



WEB COPY



Crl.O.P.No.19545 of 2023

C.V.KARTHIKEYAN, J.

gd

Crl.O.P.No.19545 of 2023

01.11.2023