CRL.O.P.No.29246 of 2023

P.DHANABAL, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 and 420 of IPC in Crime No.209 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married to the accused on 29.11.2007. During marriage, the parents of defacto complainant have given 64 sovereigns of gold and household articles as dowry. The accused was continuously harassing her to get more dowry. As there was no job for the accused, the defacto complainant's father arranged for PWD work from Pondicherry Government. He opened an account with South Indian Bank for obtaining loan. In the loan documentation, he used to sign as a borrower and also forged the signature of the defacto complainant as guarantor. This petitioner / Branch Manager has also colluded with the accused for forging the signature of the defacto complainant. Whenever the defacto complainant wanted to settled the loan, the accused used to spend that money in some other way. Further, the accused obtained loans by mortgaging the jewels of the defacto complainant. It is also stated that A1 forged the signature of the defacto complainant with the help of the Branch Manager. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has been falsely implicated in this case. He had never involved or indulged even in any petty offences. Hence he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant got married to the accused on 29.11.2007. During marriage, the parents of defacto complainant have given 64 sovereigns of gold and household articles as dowry. The accused was continuously harassing her to get more dowry. As there was no job for the accused, the defacto complainant's father arranged for PWD work from Pondicherry Government. He opened an account with South Indian Bank for obtaining loan. In the loan documentation, he used to sign as a borrower and also forged the signature of the defacto complainant as guarantor. This petitioner / Branch Manager has also colluded with the accused for forging the signature of the defacto complainant. Whenever the defacto complainant wanted to settled the loan, the accused used to spend that money in some other way. Further, the accused obtained loans by mortgaging the jewels of the defacto complainant. It is also stated that A1 forged the signature of the defacto complainant with the help of the Branch Manager.. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the representation made by the learned counsels and the petitioner was working as Branch Manager during the period of alleged occurrence and there was family dispute between the defacto complainant and her husband and already SARFAESI proceedings were also initiated against the defacto complainant by the bank, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 learned Principal

District Court, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

29.12.2023

rjr

P.DHANABAL,J

rjr

CRL OP.No.29246 of 2023

29.12.2023