



Crl.O.P.No.27725 of 2024

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

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498-A, 294(b) and 506(i) of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 in Crime No.5 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant and their marriage took place in the year 2011. They had three daughters and one of the daughters died of cancer. The allegation is that the petitioner developed intimacy with another woman and also gave birth to a female child. Further, the petitioner along with his family members compelled the defacto complainant to transfer the property stands in her name, in favour of the petitioner and also made threats against her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him on account of matrimonial discord. He also submitted that the petitioner is now taking care of his two daughters. Hence, prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner developed intimacy with another woman and created mental agony to the petitioner. Further, the petitioner along with his family members compelled the defacto complainant to transfer the property stands in her name, in favour of the petitioner and also made threats against her.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and also perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 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, 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 everyday at 06.30 p.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.**

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

[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 269 B.N.S.



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