



WEB COPY



Crl.O.P.No.7449 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No.7449 of 2025

1. Joel
2. Peter Vijayakumar
3. Amutha

... Petitioners

Vs

State rep by
The Station House Officer
All Women Police Station
Puducherry.
Crime No.1 of 2025

...Respondent

For Petitioners : Mr.A.Murugavel

For Respondent : Mr. M.V.Ramachandra Murthy
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A IPC r/w 34 of IPC in Crime No.01 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of



WEB COPY

the defacto complainant; that they got married on 18.10.2023; that thereafter there were differences between them; that on 31.10.2024 when the defacto complainant requested the 2nd petitioner to return her gold he physically assaulted her; that the 2nd & 3rd petitioners demanded dowry and also harassed her; that unable to bear the cruelty, she consumed expired tablets and attempted suicide; that thereafter, she gave a complaint on 24.11.2024; that, her husband and his family members coerced her to withdraw her complaint and rented a house for setting up a separate matrimonial house; and that thereafter the first petitioner's phone was switched off and all of them absconded from their house. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that it is a case of matrimonial dispute and that the first petitioner has filed suit for divorce in O.S.No.4 of 2025 on 20.01.2025 before the Family Court, Puducherry and thereafter the instant complaint was lodged. He further submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the



petitioners have been called for enquiry under Section 41(A) of Cr.P.C. and the allegations disclose matrimonial dispute between the first petitioner and the defacto complainant.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. On a perusal of the FIR, it reveals that there was a matrimonial dispute between the first petitioner and the defacto complainant since the first petitioner did not have a proper degree and earned only Rs.25,000/- p.m; that the first petitioner did not take care of her and assaulted her and caused mental agony; and that the 2nd & 3rd petitioners demanded dowry. The defacto complainant had also stated that the first petitioner was engaged with another girl before marriage. The allegations in the FIR primarily disclose only a matrimonial dispute besides vague allegations relating to dowry demand. Considering the nature of allegations, the aforesaid facts and since, custodial interrogation of the petitioners is not required for the purpose of investigation, 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 is made ready, before the **learned Judicial Magistrate Mahila Court, Puducherry**, on condition that the petitioners 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 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 twice a week at 10.30 a.m., until further orders and the second and third petitioners shall appear before the respondent police as and when required.

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

[d] the 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 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]**;



Crl.O.P.No.7449 of 2025

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

WEB COPY

14.03.2025

Index : Yes / No
Internet : Yes / No
dpq

To

1. The Station House Officer

All Women Police Station

Puducherry.

Crime No.1 of 2025

2. The learned Judicial Magistrate Mahila Court,
Puducherry,

SUNDER MOHAN, J.

dpq



WEB COPY



Crl.O.P.No.7449 of 2025

CRL OP No.7449 of 2025

14.03.2025