

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,

Vacation Sessions Judge, Theni,

Dated this the 28th day of May 2024

Cr.I.M.P.No.177/2024

CNR.No.TNTH00-0000220-2024

Visagan ... Petitioner/Accused

-Versus-

State through the Inspector of Police,

AWPS. Uthamapalayam in

Cr.No.12/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Tmt.A.Lalitha, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

The petitioner and the complainant are husband and wife. From the date of marriage, the petitioner and his parents harrassed the complainant by demanding dowry. At the most, the petitioner by demanding dowry, drove away the complainant from the matrimonial home. Further the complainant abused her with filthy language and intimidated her with dire consequences. Therefore case registered against the petitioner and his parents U/s.294(b), 498(A), 406 and 506(i) of IPC.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on anticipatory bail ?

Answer :

5. Records perused. The FIR would show that the petitioner and the complainant got married one year ago. It is alleged in the FIR that the petitioner along with his parents continuously harassed the complainant by demanding dowry. Further the petitioner drove away the complainant from the matrimonial home. The prosecution submitted that the investigation is underway. As already stated above the petitioner and the complainant got married about one year back. So marital dispute between couple is to be handled cautiously, otherwise the marital bond would be broken down. Also it is brought to the notice that the petitioner is working as constable in CISF. Having regard to the above facts as well as maintaining matrimonial bond between the young couple, I decided to release the petitioner on anticipatory bail with stringent conditions.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Uthamapalayam, within 15 days from the date of this order, the petitioner shall be released on anticipatory bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum. Following conditions are imposed on the petitioner :-

i) The petitioner shall appear before the investigating officer as and when required for interrogation.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 28th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Uthamapalayam

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, AWPS, Uthamapalayam