

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, DINDIGUL

PRESENT: Selvi. M.K. Jamuna, M.L.,

Principal Sessions Judge, Dindigul.

Friday, the 18th day of June 2021

CV CrI.M.P. No.27/2021

Mohamed Arafath @ Mohamed Arabath, 29/2021
S/o. Periyaraja @ Periya Raja .. Petitioner/A1

/vs/

State through
Inspector of Police, Dindigul AWPS. .. Respondent/Complainant
Cr. No.05/2021

This e-bail petition is coming on this day for hearing before me in the presence of Thiru.P.Manikandan, Advocate for the petitioner and of Thiru. R.Manoharan, Public Prosecutor for the state are on record and on considering the online submissions of either side and on perusal of available records, this court passed the following

ORDER

Petition filed u/s.438 Cr.P.C. petitioner/A1 prays to grant him anticipatory bail for the offences punishable U/S. 294(b), 406, 498(A) IPC and Section 4 of Dowry Prohibition Act in Cr. No.5/2021 of the respondent police. The occurrence took place on 23.12.2018.

The learned counsel for the petitioner/A1 stated that the defacto complainant is none other than the wife of the A1, that there arose difference of opinion between the A1 and his wife and she left her matrimonial house and now living with her parents for the past two years, that with intent to wreak vengeance this false complaint has been foisted, that A1 filed a petition before the Hon'ble Family Court in O.P. No.6/2020 for restitution of conjugal rights, that in order to colour the civil dispute as criminal one, this false complaint has been foisted with false allegations, that though the petitioner and his family members are taking all efforts to settle the matter amicably, but, the defacto complainant is not co-operate for the same, that the petitioner has no previous case, that this Hon'ble Court was granted interim anticipatory bail to the petitioners upto 17.06.2021, that the petitioner belongs to respectable family and he is law abiding citizen, that since he has permanent abode, there is no chance for absconding, that the petitioner apprehends arrest and he prays for anticipatory bail.

The learned Public Prosecutor for the State vehemently raised objection for anticipatory bail that A1 and the defacto complainant are husband and wife, other accused are parents and family members of A1, that the accused continuously tortured the defacto complainant demanding further dowry and driven out the defacto complainant from her matrimonial house, when the defacto complainant demanded her jewels, they abused her in filthy language and threatened her, hence the case.

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Online submission of either side heard. Records perused. The case of the prosecution was that A1 married the defacto complainant and that he demanded 25 sovereigns of jewels as further dowry and even after birth of child, he had not visited his child and not maintaining his wife and child. Further, the defacto complainant was given 100 sovereigns of jewels on marriage and now all the accused refused to return the said jewels to her. The allegation of the defacto complainant was that the petitioners/accused have snatched her 100 sovereigns of jewels and not returned to her and A1 is not maintaining his wife and child. The learned counsel for the petitioner/A1 stated that A1 filed Original petition before the Family Court, Dindigul for restitution of conjugal rights. No doubt, the petitioner/A1 was already granted interim anticipatory bail by this Court upto 17.06.2021. Considering the facts and circumstances of the case and on considering the pandemic situation and prevention measure of COVID-19 Pandemic and the urgent need and necessity to ensure social distancing, this Court inclines to grant anticipatory bail to the petitioner/A1. **Anticipatory bail is granted to the petitioner/A1 with the following conditions.**

1. The petitioner/A1 shall in the event of arrest by the respondent police or his surrender before the learned Judicial Magistrate, Additional Mahila (Magistrate level) Court, Dindigul **in between the period from 23.07.2021 to 06.08.2021** be released on bail on executing his own bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate without fail, failing which the anticipatory bail shall stand cancelled automatically.
2. The petitioner/A1 shall make himself available for interrogation by the police officer as and when required.
3. The petitioner/A1 shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
4. The petitioner/A1 shall not leave the town without prior permission of the court.
5. The petitioner/A1 shall not tamper with evidence or witness either during investigation or trial.
6. The petitioner/A1 shall not abscond either during investigation or trial.

Pronounced by me, this the 18th day of June 2021.

**Principal Sessions Judge,
Dindigul**

- Since this bail order is electronically generated, does not require signature and court seal.
- This order is available in E-Courts Official Web Site,
" <https://districts.ecourts.gov.in/case status/case number>"

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Copy to

The Additional Mahila Court, Dindigul (JM Court Level)

The Public Prosecutor, Dindigul.

The Inspector of Police, Dindigul AWPS.,

Thiru.P.Manikandan, Advocate
for the petitioner.

To ensure social distancing, they are requested to
download the order from the official web site link.