



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21161 of 2018

ELUMALAI

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
COURTALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
(CRIME NO. 615 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.CHANDRASEKARAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 307 and 506(ii) IPC and Section 4 of Tamil Nadu Harassment of Women Act, in Crime No.615 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. There seems to be domestic quarrel between them for the past one year. Thereafter, she had been living separately. On the fateful day, he entered into the defacto complainant's house to bring back to the matrimonial life, at that time, the petitioner attacked her in dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that the defacto complainant has been taking care of the three children. Due to the twist of the moment, the alleged occurrence is said to have taken place.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor for the respondent



police would submit that the defacto complainant is a divorcee and out of the earlier marriage, she had two children. Thereafter, the petitioner had married the divorcee and they have a girl child aged about 10 years.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Sencottai, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
SHENKOTTAI, TIRUNELVELI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
COURTALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.T.CHANDRASEKARAN Advocate SR.No.22310

ORDER

IN

CRL OP(MD) No.21161 of 2018

Date :29/11/2018

MSI/VR-MMS/SAR-III/04.12.2018-3P/6C