



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.17875 of 2018

A.MOHAN

... PETITIONER / ACCUSED NO.1

Vs

1 STATE BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI DISTRICT.
(IN CRIME.NO.51/2018)

... RESPONDENT / COMPLAINANT

(*)2. KARTHICK JOTHI

...2nd RESPONDENT/PROPOSEL PARTY

**(R2 IMPLEEDEE AS PER THE ORDER OF HON'BLE COURT
MADE IN CRL MP .9467/2018 IN CRL OP.17875/2018 VIDE
ORDER DATED 15.11.2018 BY MNKJ)**

For Petitioner : Mr.M.MICHAEL BHARATHI Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498 A, 406 and 506(I) ofIPC in Cr.No.51 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant.

3.The learned counsel for the petitioner submits that the marriage was held between the petitioner and the defacto complainant on 23.05.2012. After their marriage, the relationship between them got strained. Thereafter, they living separately from July 2015. The petitioner had filed a divorce petition in H.M.O.P.No.324 of 2015 which is pending on the file of III Additional Sub Judge, Madurai, on the ground of cruelty. The defacto complainant had appeared in this case and contesting the same. In the meanwhile, the defacto complainant filed a maintenance case in M.C.No.15 of 2015 before the Family Court, Madurai, on September 2018 claiming maintenance. The petitioner has contesting the same.



4.It is seen from the FIR that the defacto complainant had earlier given a complaint against the petitioner and the police have enquired with regard to the same. In the FIR, there is no reason has been given for the delay to register the present FIR, dated 17.09.2018. In earlier this Court ordered notice to the defacto complainant and the same was returned as no such addressee.

5.Taking into consideration the facts of the case, 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 Additional Mahila Court, (Magisterial Level), Madurai, 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 on every Saturday and Sunday at 10.30 a.m. for a period of four 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.

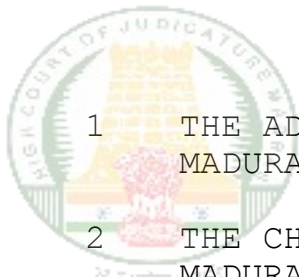
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
27/11/2018

/ TRUE COPY /

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



1 THE ADDITIONAL MAHILA COURT, (MAGISTERIAL LEVEL),
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI DISTRICT.

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

+1. CC to MrV.SASIKUMAR Advocate SR.No.22253

PS/VR-MMS/SAR-3/03/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.17875 of 2018

Date :27/11/2018