



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1464 of 2019

KANAGALINGAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT.
(CRIME.NO.6 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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 alleged offences punishable under Sections 294(b), 323 and 498-A of IPC in Cr.No.6 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to family dispute, the petitioner abused the defacto complainant by using filthy language.

3. The learned counsel appearing for the petitioner would submit the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and therefore, he may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the husband of the defacto complainant. Due to matrimonial dispute, this case has been registered and there is no previous case against the petitioner herein.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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, before the learned Judicial Magistrate, Mudukulathur, 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 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/-

30/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMNAD DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION, RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.VENKATESH Advocate SR.No.2288
PS/JC/SAR-3/05.02.2019/2P/6C

ORDER

IN

CRL OP(MD) No.1464 of 2019

Date : 30/01/2019