



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4419 of 2019

ANTONY THILAK THANGARAJ

... PETITIONER/ ACCUSED 1

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI DISTRICT.
Crime No.14 of 2018

... RESPONDENT / COMPLAINANT

ARULMARY

...INTERVENING PETITIONER/
DEFACTO COMPLAINANT

For Petitioner : Mr.P.MANIKANDAN Advocate

For Respondent : PUBLIC PROSECUTOR

For Intervenor : Mr.M.INIYAVAN Advocate

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 under Section 498(A) of IPC in Crime No.14 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the marriage between the petitioner and the defacto complainant was solemnized on 05.12.2016 and out of their wedlock, they got one male child. After marriage, the petitioner went to Dubai for his family livelihood to earn money. Thereafter, there arose a wordy quarrel arose between the petitioner's family and the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, would submit that the petitioner is ready to pay a sum of

Rs.1,00,000/- to take care of his child. Hence, he seeks for grant of anticipatory bail.

4.The learned counsel for the petitioner and also the learned counsel for the intervener would submit that both the petitioner and defacto complainant are interested to reunion in the interest of their child. They would further submit that both the parties are present before this Court.

5.The learned Government Advocate (Crl. Side) would submit that since the petitioner himself has come forward to pay Rs.1,00,000/- to take care of his child and he has no serious objection for grant of anticipatory bail. He would further submit the investigation is still pending.

6.Considering the facts and circumstances of the case and considering the fact that there is no specific overtact against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner is directed to deposit a sum of Rs.1,00,000/- in the name of his male child by way of fixed deposit within a period of two weeks from the date of receipt of a copy of this order and thereafter sureties shall be accepted;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/04/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
MAHILA COURT, MADURAI DISTRICT.

2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI DISTRICT.

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

+1. CC to Mr.P.MANIKANDAN Advocate SR.No.6287
+1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.6051

ORDER
IN
CRL OP(MD) No.4419 of 2019
Date : 03/04/2019

TK/PN/SAR-4/11.04.2019/3P/6C