



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.11029 of 2019

S.Arun,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
Crime No. 128 of 2019.

... Respondent/Complainant

Vanitha

... Petitioner/Intervener
in CRL MP(MD).NO.7068 of 2019
in CRL OP(MD).NO.11029 of 2019

For Petitioner : M/s.K.Sureshkumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.Niranjan S.Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 128 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner is an accused in Crime No.128 of 2019 registered
on the file of the Oomachikulam Police Station for the offences
under Sections 294(b), 323, 307 and 506(II) of IPC and Section 4 of

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



Tamil Nadu Prohibition of Harassment of Women Act, 2002. He seeks anticipatory bail.

2. Heard the learned counsel on either side.

3. The defacto complainant in this case is the sister-in-law of the petitioner herein. The petitioner's matrimonial life with his wife came under strain. The petitioner is entertaining suspicion that the defacto complainant is the cause for the marital discord between the petitioner and his wife. On the occurrence date, i.e., 28.07.2019, the petitioner visited the house of the defacto complainant to see his child. A wordy quarrel had broken out between the defacto complainant and the petitioner. The petitioner in the process had brutally attacked the defacto complainant causing her head injury. Hence, the case on hand came to be registered.

4. The petitioner's counsel states that the petitioner is having certain psychiatric issues and that, he is under treatment. He would point out that on the occurrence date, the petitioner did not come alone, but was accompanied by his friend and his friend's wife.

5. This in my view is certain by a mitigating circumstance. The petitioner after all wanted to meet his wife and his child to resolve the issues. Be that as it may, the petitioner's conduct cannot be condoned. The petitioner may not have any defence because the entire act has been captured in the CCTV Footage. This Court also had a look at the photographs. It is seen that the defacto complainant was in Hospital for quite a few days and she had spent Rs.15,000/- towards her medical expenditure alone.

6. After hearing the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.side) appearing for the respondent and the learned counsel appearing for the defacto complainant, I am of the view that this is a case in which, the arrest of the petitioner will not serve any purpose. Therefore, I am inclined to grant anticipatory bail. But then, the petitioner will have to put on terms. The learned counsel appearing for the petitioner gave the following undertaking:-

(i) The petitioner will take demand draft in favour of the defacto complainant for a sum of Rs.20,000/- which will cover her medical costs.

(ii) The petitioner who is based in Velore, will not approach the defacto complainant or his wife on his own and that he would work out his rights only through the Court process.

(iii) The petitioner shall refrain from any sending texts to his wife or to the defacto complainant.

<https://hcservices.ecourts.gov.in/Hcservices> The petitioner will also refrain from establishing any



kind of contact with the defacto complainant and his wife.

7. It is reiterated that the petitioner will have to necessarily move the Family Court or the Jurisdictional Court for enforcing his marital rights.

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8. It is made clear that the safety of women is paramount and that the same cannot be allowed to be endangered at the instance of the petitioner. If the petitioner violates the undertaking now given before me or indulges in any act that may endanger the safety of his wife or that of the defacto complainant, the intervener is at liberty to move this Court for cancellation of anticipatory bail.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/09/2019

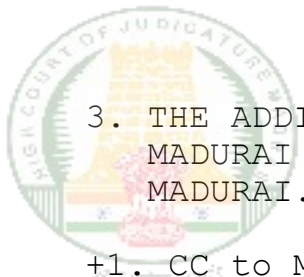
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI.

2. THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI DISTRICT.



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

+1. CC to MR.K.SURESHKUMAR Advocate SR.No.84925

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-14759[I] dated
04/09/2019)

ORDER

IN

CRL OP(MD) No.11029 of 2019

Date :03/09/2019

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AE/VR/SAR-III (09.09.2019) 4P 6C