

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10300 of 2020

Duraimurugan

... Petitioner

Vs.

The State represented by its
The Inspector of Police
AWPS Police Station
Thiruvavarur.
(Crime No.12 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Crime No.12 of 2020 on the file of the respondent.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 498 (A) and 506 (i) of IPC in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. They got married on 23.05.2014 and out of their wedlock, they were blessed with two children. While being so, the petitioner abused and committed cruelty on the defacto complainant by suspecting her fidelity. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner and the defacto complainant got married on 23.05.2014, thereafter there was an incompatibility and misunderstanding between the parties, out of which the complaint has been given against the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the defacto complainant was held on 23.05.2014 and out of the wedlock, they were blessed with two children. The petitioner constantly harassed the defacto complainant and committed cruelty on her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruvavarur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[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 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
THIRUVARUR

CC to M/S. T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.10300/2020

Date : 08/07/2020

RVR 28/08/2020

सत्यमेव जयते

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