

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18458 of 2020

Puspharaj

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sembanarkovil Police Station
Sembanarkovil
Nagapattinam District
(Crime No.1214 of 2020)

... Respondent

PRAYER: The Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1214 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Arun

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 alleged offences punishable under Sections 294(b), 323, 324, 506(ii) and 307 of I.P.C in Crime No.1214 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Umadevi is that she was married to the petitioner viz. Pushparaj 14 years back. The further allegation is that her husband who is running a financial business had developed intimacy with a lady in the nearby village, due to which, he treated the defacto complainant cruelly. Her husband also suspected her fidelity and used to assault her. While so, on 19.10.2020 at night hours, the petitioner had assaulted the defacto complainant with stick and caused bleeding injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would submit that the marriage between the defacto complainant and the petitioner took place 14 years back and that they have two children. He would further submit that the defacto complainant had developed illicit intimacy with some other person and when the same was questioned by the petitioner, she had given a false complaint against him. He would also submit that the children are under the custody of the petitioner and that it is a case of matrimonial dispute which has been exaggerated.

4.The learned Additional Public prosecutor appearing for the respondent would submit that the petitioner is the husband of the defacto complainant. They got married 14 years back and they have two children. The petitioner had developed illicit intimacy with another lady and he also suspected that the defacto complainant is having illicit intimacy with another person, hence he assaulted her with stick and caused bleeding injuries. He would further submit that the victim has been discharged from the hospital.

5.Heard the counsel on either side. Perused F.I.R. and all the other materials placed on record.

6.Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 made ready, before the Judicial Magistrate Court, Tharangambadi, Nagapattinam District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:- सत्यमेव जयते

[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., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
15/12/2020

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 COURT,
THARANGAMBADI,
NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEMBANARKOIL POLICE STATION,
SEMBANARKOIL,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.No.8279

CRL OP.18458/2020

Date :15/12/2020