



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

Date : 12/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4449 of 2020

VINAYAGASATHURTHI

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT,
IN CRIME NO.22 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Balakarthick,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 448,
294(b), 355, 323, 353, 379 IPC and Section 4 of Tamilnadu
Prohibition of Harassment of Women Act, 2002 in Crime No.22 of 2020
on the file of the respondent police, seeks anticipatory bail.

3.The petitioner herein is the husband of the defacto
complainant. A complaint has been given alleging that on
20.02.2020, the petitioner herein gone to the School where the
defacto complainant is working and hit her with chappal and abused

<https://hcservices.courts.gov.in/hcservices/> language.



4.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are live separately for the past six months. They have blessed with male child, who is presently with the defacto complainant. To took his son to Mahasivarathiri pooja to be held in his family house, he went to the School of the defacto complainant and other than that the petitioner done nothing else as alleged in the complaint.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that based on the petition given by the defacto complainant on 25.02.2020, a case has been registered in crime No.22 of 2020 for the offence under Sections 448, 294(b), 355, 323, 353, 379 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, since the complaint discloses assault with chappal causing injury and snatching way cell phone worth about Rs.20,000/-.

6.Taking note of the facts of the case as well as the status of the petitioner and the matter being dispute between husband and wife, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppovanam, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photograph 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 05.00 p.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 petitioners 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;

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

sd/-
12/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPOVANAM, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-5191[I] dated
12/03/2020)

ORDER
IN
CRL OP(MD) No.4449 of 2020
Date :12/03/2020

GNS
JM/VR/SAR 4/18.03.2020/3P/6C