



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

Date : 04/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6530 of 2020

G.Rajaram

... Petitioner/Sole Accused

Vs

1.State rep.by,
The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy City
Crime No.9/2020.

(*)2. Kokila

... Respondents/Complainants

(*)R2 Suo moto impleaded.

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
No.2 : No appearance

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

PRAYER :-

For Anticipatory Bail in Crime no.9 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 498(A) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant got married 27.11.2015 and the petitioner herein used to borrow money from local money lenders and failed to re-pay



the same. On the date of occurrence the money lender came to the house of the petitioner and quarrelled with him. When the defacto complainant questioned the same, the petitioner herein attacked the defacto complainant.

3. Earlier this Court by an order dated 12.08.2020 *suo motu* implied the defacto complainant as second respondent and ordered notice. Despite the notice being served, none appeared on behalf of the defacto complainant/second respondent.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate(Crl.Side) would submit that due to some wordy quarrel between the husband and wife the petitioner herein attacked the defacto complainant.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence said to have taken place in a wordy quarrel between husband and wife and the fact that there is no allegation of harassment or dowry demand, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

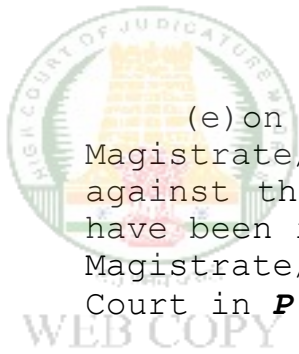
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Additional Mahila, Judicial Magistrate, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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 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]***; and;

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

sd/-
04/09/2020

**(*) R2 Suo moto impleaded as per order
of this Court dated 12.08.2020 in
Crl.OP(MD) No.6530/2020 by VBDJ.**

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE ADDITIONAL MAHILA, JUDICIAL MAISTRATE,
TRICHY
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, CONTONMENT,
TRICHY CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6530 of 2020
Date : 04/09/2020

aav
PK/JC/SAR-2/08.09.2020 : 3P/5C