



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.6774 of 2020

Arun Prashath@Arun Prasad, ... Petitioner/Accused rank No.1

Vs

The State rep. by
The Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District.
Cr.No. 09 of 2020..

... Respondent/Complainant

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

For Respondent : R.Anandharaj,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the Petitioner on Anticipatory bail in the event of his arrest or surrender in connection with Cr.No. 09 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 498(A), 494 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The allegation of matrimonial cruelty has been made against the petitioner by the de-facto complainant. However, the learned



husband has filed H.M.O.P.No.279 of 2017 for restitution of conjugal rights and succeeded. Even thereafter, the de-facto complainant not joined him, but has given the complaint.

4. Being the matrimonial dispute, it is suffice to co-operate with the investigation and there is no ground for any arrest of this petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thirumangalam, Madurai District and on his executing 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 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;

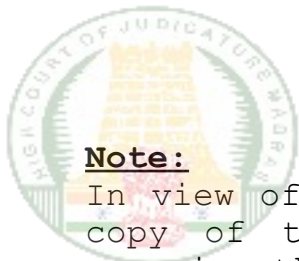
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
29/06/2020

/ 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 JUDICIAL MAGISTRATE,
THIRUMANGALAM,
MADURAI DISTRICT.

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6774 of 2020

Date :29/06/2020

PD/VR/SAR 3/01.07.2020/3P/5C