



WEB COPY

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

Date : 17/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7282 of 2020

Manimaran

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Aruppukottai AWPS,
Virudhunagar District.
Cr.No. 8 of 2020..

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan,
Advocate.

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

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

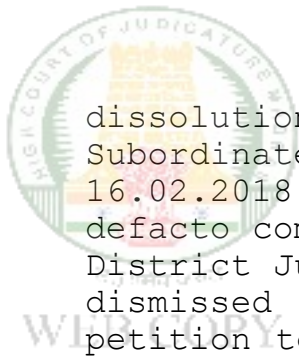
PRAYER :-

For Anticipatory Bail in Cr.No. 8 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 341, 494, 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No. 8 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant. Due to matrimonial dispute between them, earlier the petitioner has filed a petition for



dissolution of marriage in HMOP No. 147 of 2012 before the learned Subordinate Judge, Srivilliputhur and the same was decreed on 16.02.2018 in favour of the petitioner. Against the same, the defacto complainant has filed an appeal before the learned Principal District Judge, Virudhunagar in HMCMA No. 4 of 2018 and the same was dismissed for default on 11.07.2019. After filing restoration petition to restore the aforesaid appeal, notice was ordered to the petitioner, but he refused to receive the notice and stated that he will marry to another lady. Hence, the defacto complainant has preferred a complaint against the petitioner and during the enquiry the petitioner has affirmed by his written statement that he will not commit with another marriage. Thereafter, the defacto complainant's father was attacked by the petitioner and caused injuries and also made life threat to the defacto complainant and her father. Thereafter, the petitioner got married with the eighth accused. Hence, the complaint.

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

4. The learned counsel appearing for the petitioner submitted that he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner got decree of divorce on 16.02.2018. After that the second marriage was taken place legally, the defacto complainant has filed a restoration petition to restore the appeal I.A. No. 1 of 2019 and the summon was issued only after the petitioner's marriage with eighth accused. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl.Side), on instructions, submitted that there is matrimonial dispute between the parties.

6.Considering the fact and circumstances of the case and submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

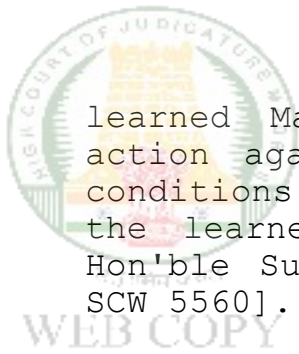
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate, Aruppukkottai, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police an and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

<https://hcscservices.ecourts.gov.in/jsp/cserve/cps/> 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].

[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/07/2020

/ 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,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI AWPS,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7282 of 2020
Date :17/07/2020

KSA
TE/PN/SAR-II : 22/07/2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>