



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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8143 of 2020

SOOSAI AROCKIASAMY

... PETITIONER / ACCUSED No.1

Vs

1.STATE THROUGH
THE INSPECTOR OF POLICE,
FORT ALL WOMEN POLICE STATION,
TRICHY CITY.
CRIME NO.14/2018

... RESPONDENT / COMPLAINANT

(*)R2. SAGAYAMARY

... RESPONDENT/DEFACTO COMPLAINANT

(*)R2 Suo motu impleaded as per order of this Court
dated 05/08/2020 in CRL OP(MD)No.8143 of 2020.

For Petitioner : MR.R.MAHESWARAN Advocate

For Respondent : Mrs.M.ANANDHI DEVI,
Govt. Advocate (Crl. Side) for R1

: Mr.B.JAMEEL ARASU, Advocate for R2

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 494 and 506(i) of IPC, in Crime No.14 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is wife of the petitioner herein and they are having unsound child. The allegation is that the petitioner got married the second accused and both are living together in Chennai and the same was questioned by the defacto complainant, the petitioner said to have threatened her with dire consequences. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted he has not involved in any offence as alleged by the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner has filed a divorce petition in IDOP No. 129 of 2018 before the Principal District Court, Thanjavur.

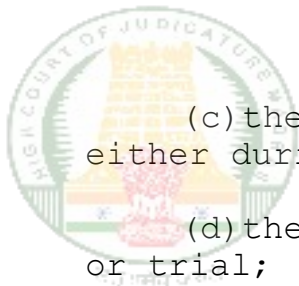
6. It is seen from the records that divorce petition is pending between the petitioner herein and the defacto complainant in IDOP No.129 of 2018 on the file of the Principal District Court, Thanjavur. Thereafter, the present complaint has been preferred by the defacto complainant on 27.10.2018 before the respondent police and the same was registered in Crime No.14 of 2018. Now, the petitioner undertakes before this Court, he will pay a sum of Rs.3,000/- (Three Thousand Only) as maintenance to the defacto complainant per month and also undertakes to maintain the unsound child.

7. Considering the fact and circumstances of the case and considering the undertaken given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Additional Mahila Court, Trichy, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 pay a sum of Rs.4,000/- p.m., (Rupees Four Thousand Only) to the defacto complainant/R-2 herein without fail, on or before 5th day of every English Calendar Month and if the petitioner fails to comply with the aforesaid condition, anticipatory bail granted to the petitioner stands automatically cancelled and the respondent police is directed to proceed in



(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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2020

/ 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, ADDITIONAL MAHILA COURT, TRICHY.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
FORT ALL WOMEN POLICE STATION, TRICHY CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8143 of 2020

Date :05/10/2020

KSA

AE/SMA/SAR-IV (08.10.2020) 3P 5C

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