



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9282 of 2020

Murugan

... Petitioner/1st Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Srivilliputtur Town,
Virudhunagar District.
(Crime No. 10 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Thirunavukkarasu,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No. 10 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as first accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 354, 406, 420, 494 and 506 (ii) of IPC, in Crime No.10 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 de-facto complainant and the marriage was took place in the year 2008. Thereafter, the petitioner deserted the de-facto complainant and without obtaining decree for divorce, the petitioner



said to have married A-2, the same was questioned by the de-facto complainant, the petitioner and other accused said to have criminally intimidated the de-facto complainant. Hence, the de-facto complainant has preferred a complaint before the respondent police, but no case was registered against the petitioner. Therefore, the de-facto complainant approached the learned Judicial Magistrate No.II, Srivilliputtur, under Section 156(3) of Cr.P.C., based on the direction issued by the learned Judicial Magistrate No.II, Srivilliputtur, the crime has been registered.

3.The learned counsel appearing for the petitioner would submit that the de-facto complainant is the wife of the petitioner and he has also executed a sale deed in favour of the de-facto complainant.The petitioner is a physically challenged person, who is working as a Office Assistant in the Commercial Department and absolutely there is no allegation against this petitioner. He would further submit that due to family dispute between the parties, the present case has been registered.

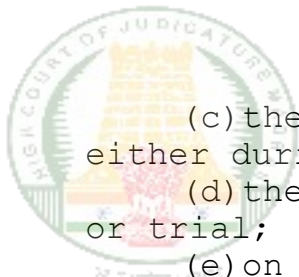
4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the first marriage is in existence, the petitioner said to have married A-2, which was questioned by the de-facto complainant, the petitioner and other accused said to have criminally intimidated her.

5.Considering the facts and circumstances of the case and also considering the fact that the dispute between the husband and wife and there is no serious allegation is made out against this petitioner in the First Information Report, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, (Additional Mahila Court), Srivilliputtur, 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 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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),
SRIVILLIPUTTUR.

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTTUR TOWN, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9282 of 2020

Date :03/09/2020

SJI

AE/PN/SAR-III (08.09.2020) 3P 5C