



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9424 of 2020

J.As swath

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
(In Crime No.149 of 2020)

... Respondent/Complainant

For Petitioner : M/s.J.Lawrance,
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 Crime No. 149 of 2020 on the file of the respondent police.

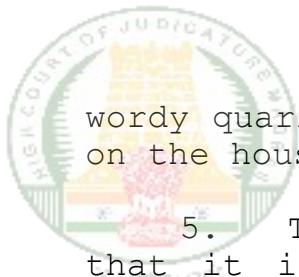
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 452,294(b), 323,336 and 427 of IPC seeks anticipatory bail.

2. Heard both sides.

3. The defacto complainant is the father -in-law of the petitioner. The case of the prosecution is that the petitioner was married to the daughter of the defacto complainant and there was matrimonial dispute between them. Hence she left the home and living in her parental home. On the date of occurrence the petitioner herein is said to have pelted stones on the house of the defacto complainant.

4. The learned counsel for the petitioner would submit that it is a case and counter case. ON the date of occurrence there was a



wordy quarrel and the petitioner herein said to have pelted stones on the house of the defacto complainant.

5. The learned Government Advocate(Crl.Side) would submit that it is case and case in counter. Due to some matrimonial dispute the petitioner herein said to have pelted stones on the house of the defacto complainant.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute and also case and case in counter case, 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 Judicial Magistrate, Thiruppathur 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/-

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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.

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TO

1. THE JUDICIAL MAGISTRATE, THIRUPPATHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO M/s.J.Lawrance, Advocate, SR NO.6351

ORDER
IN
CRL OP(MD) No.9424 of 2020
Date :08/09/2020

MS/VR/SAR-3/10.09.2020/3P.6C