



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2020

PRESENT

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

CRL OP(MD) . No.9577 of 2020

1 POOVENDARAN

2 PERIYASAMY

... PETITIONERS/ACCUSED 1&2

Vs

1.STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
CRIME NO. 16 OF 2020.

...1st RESPONDENT/COMPLAINANT

(*)2. RANJITHA ... 2nd RESPONDENT/DEFACTO COMPLAINANT

(*)R2 Suo motu impleaded as per order of this court
dated 10.09.2020 in Cr1.OP(MD)No.9577/2020 by VBDJ.

For Petitioners : MR.R.CHANDRASEKAR, Advocate
For Respondent-1 : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Criminal Side)
For Respondent-2 : MR.V.NAGARAJAN, Advocate

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

PRAYER :

For Anticipatory Bail in Cr.No.16 of 2020 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323, 498(A) and 506(i) of IPC, in Crime No.16 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner herein. The marriage between the first petitioner and the defacto complainant had taken place on 14.06.2019. Thereafter, they were living together. Out of their



wedlock, a female child was born. After delivery, the defacto complainant came to know that the first petitioner is having illegal relationship with one Umarani. When the same was questioned by the defacto complainant, the petitioners prevented the defacto complainant from entering into the house. Due to which, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners abused the defacto complainant by using filthy language and also attacked her with stick. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to matrimonial dispute, the petitioners have been falsely implicated in this case. He further submitted that since the mental cruelty was caused by the defacto complainant, the first petitioner has filed a petition in H.M.O.P.No.51 of 2020, before the Sub Court, Karur, Seeking for divorce. Hence, he prayed for grant of anticipatory bail to the petitioners.

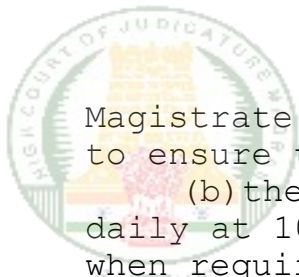
5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the marriage between the first petitioner and the defacto complainant took place on 14.06.2019. Out of their wedlock, a female child was born. After delivery, the defacto complainant came to know that the first petitioner is having illegal relationship with one Umarani. When the same was questioned by the petitioner, the occurrence said to have taken place.

6.Considering the facts and circumstances of the case and also considering the fact that due to matrimonial dispute, the occurrence said to have taken place and there is no demand for dowry from the defacto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners and the sureties shall affix their left thumb impression in the surety bond and the

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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/10/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT, KARUR.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9577 of 2020

Date : 13/10/2020

vsg

AE/JC/SAR-III (19.10.2020) 3P 4C

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