



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.10786 of 2020

M.Ponraja

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam Taluk,
Virudhunagar District.
Cr No.14 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.Neelamegam,
Advocate.

For Respondent : Mrs.M. Anandhi Devi,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.14 of 2020 on the file of the respondent police.

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 498A, 406, 109 of I.P.C. And Section 4 of DP At, 1961, in Crime No. 14 of 2020 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/A-1 and they are having two children. Due to matrimonial dispute between the parties, the petitioner has filed a petition in HMOP No.125 of 2017 for divorce before the Subordinate Court, Srivilliputhur the same was compromised and settled the issues. Thereafter, the petitioner herein has withdrawn the aforesaid HMOP on 13.02.2018. Thereafter, the petitioner herein has filed another HMOP No.90 of 2018 the same



is pending. Now, the petitioner herein got married another women at Salem and they are having 8 months old baby, hence, the present complaint has been lodged by the defacto complainant.

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 would submit that he did not commit any offence as alleged by the prosecution and the petitioner is innocent persons and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, submitted that HMOP proceedings is pending between the parties.

6. Considering the facts and circumstances of the case and considering the fact that matrimonial dispute is pending between the parties, 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 learned Additional Mahila Court, Srivilliputhur, 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 report before the respondent police daily at 10.30 a.m., without fail, for a period of Two weeks and thereafter, 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2020

WEB COPY

/ 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 JUDGE,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM TALUK,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.NEELAMEGAM, Advocate (SR-6785[I] dated 06/10/2020)

ORDER
IN
CRL OP(MD) No.10786 of 2020
Date :05/10/2020

KSA
SRS/ SMA/ SAR-II/ 08.10.2020/ 3P/5C