



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

Date : 01/10/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10647 of 2020

Ganesan @ Ganesh Kumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
Crime No. 431 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.431 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 379(NP) and 506(ii) of IPC, in Crime No.431 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.A1 in this case is a husband of the defacto complainant. The case of the prosecution is that due to matrimonial dispute between A1 and the defacto complainant, for which, the defacto complainant left the matrimonial home and stayed parental house. On the date of occurrence, A1, the petitioner along with other accused said to have trespassed into the defacto complainant's house and abused the defacto complainant by using filthy language and also assaulted him with hands. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to matrimonial dispute, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to matrimonial dispute, the occurrence said to have taken place. He further submitted that the injured sustained only simple injury and she was treated as out patient.

6. Considering the facts and circumstances of the case and also considering the fact due to matrimonial dispute, the occurrence said to have taken place and the injured sustained only simple injury and she was treated as out patient, I am 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 Judicial Magistrate Court No.II, Nagercoil, on condition that the petitioner shall execute 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/10/2020

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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 JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRTE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3.THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10647 of 2020
Date :01/10/2020

vsg
AE/AKM/SAR-IV (06.10.2020) 3P 5C