



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

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

CRL OP(MD). No.10803 of 2020

Balasubramanian

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station, Tallakulam,
Madurai City,
Crime No. 31 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Balaji,
Advocate.

For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.R.Rajmohan, Advocate

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

PRAYER :- For an Anticipatory Bail in Crime No.31 of 2020 on the file of the respondent police.

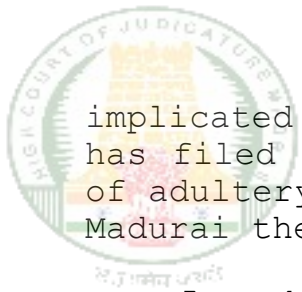
ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 498(A) and 506(i) of IPC, in Crime No.31 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 this petitioner/A-1. Due to matrimonial dispute between the petitioner herein and the defacto complainant, the present has been filed.

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 submitted that the petitioner is an innocent person and he has been falsely



implicated in this case. He further submitted that the petitioner has filed a divorce petition in O.P. No. 256 of 2020 on the ground of adultery for the dissolution of marriage before the Family Court, Madurai the same is pending. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener has submitted that HMOP proceeding is pending between the petitioner and the defacto complainant.

6. The learned Government Advocate (crl. Side) appearing for the respondent police, on instructions, submitted that HMOP proceeding is pending between the parties.

7. Considering the fact and circumstances of the case and considering the fact that HMOP proceeding is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Madurai, 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 appear 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/-

05/10/2020

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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, MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10803 of 2020
Date :05/10/2020

ksa
JM/VR/SAR II/08.10.2020/3P/4C