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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/10/2020

PRESENT

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

CRL OP(MD). No.11448 of 2020

Siva ... Petitioner/(Rank Not Known)

Vs

State Rep. by  
The Inspector of Police,  
Muthaiyapuram Police Station,  
Thoothukudi District  
Crime No.Not Known of 2020. ... Respondent/Complainant

For Petitioner : M/s.D.Anbarasu,  
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.378 of 2020 on the file of the respondent police.

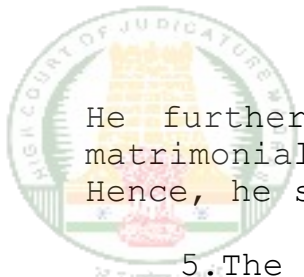
ORDER : The Court made the following order :-

The petitioner is the apprehending arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323 and 506 (i) of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.378 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, there was a wordy quarrel arouse between the petitioner and the defacto complainant. Hence, the complaint.

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  
<https://hcs.echips.gov.in/eservices> the petitioner is the husband of the defacto complainant.



He further submitted that he is an innocent person and due to matrimonial dispute, he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that due to matrimonial dispute, there was a wordy quarrel arouse between the petitioner and the defacto complainant.

6.Considering the fact and circumstances of the case and considering the fact that there was only a wordy quarrel between the petitioner and the defacto complainant, 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 No.II, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relative 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 his 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 his identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m without fail for a period of four weeks thereafter, as on 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
15/10/2020

/ 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,  
THOOTHUKUDI.
  - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI.
  - 3 THE INSPECTOR OF POLICE,  
MUTHAIYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.11448 of 2020  
Date :15/10/2020

DSS  
JM/AKM/SAR IV/22.10.2020/3P/5C