



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.12577 of 2020

Ramesh @ Rameshkumar

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
North Police Station,
Tuticorin District.
Crime No.800 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.800 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323 and 506(ii) IPC., and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.800 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner has attacked his wife by hand and caused certain simple injuries on account of certain matrimonial disputes. The case was registered as against the petitioner under Sections 294(b), 323 and 506(ii) IPC., and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3.The learned counsel appearing for the petitioner stated that

<https://hcservices.ecourts.gov.in/hcservices/>



there is a quarrel between the husband and wife and the petitioner has not attacked the defacto complainant.

4.The learned Government Advocate (Crl.Side), appearing for the respondent police opposed the said contention by stating that the defacto complainant is none other than the wife of the petitioner, who lodged the complaint against the petitioner. As per the complaint, the petitioner attacked his wife with hand and therefore the case is registered. The investigation is in progress. Thus, the petition is to be dismissed.

5.This Court is of the considered opinion that the petitioner attacked his wife and based on the complaint given by the wife, the case is registered. However, considering the nature of the injuries sustained which all are simple and further in order to pave way for conciliation to settle the matrimonial disputes, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tuticorin, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation.

(c) The petitioner is directed to maintain good contact and in any event of repetition of such kind of offence against his wife, then the defacto complainant is at liberty to file a petition to cancel the anticipatory bail;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/11/2020

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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.III, TUTICORIN.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NORTH POLICE STATION, TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12577 of 2020

Date :09/11/2020

ias/vsd

AE/JC/SAR-IV (11.11.2020) 3P 5C