



WEB COPY

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

Date : 27/11/2020

PRESENT

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

CRL OP(MD). No.13503 of 2020

Sithik Basha

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub-Inspector of Police,
All Women Police Station,
Fort, Trichy City.
(Crime No.3 of 2020).

... Respondent

For Petitioner : M/s.R.Alagumani,
Advocate.

For Respondent : Ms.M.AnanthaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in crime No.03 of 2020 on the file of the respondent Police

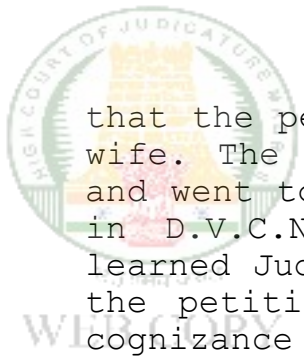
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 498(A) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. In such circumstances, the petitioner got married with another woman and hence, harassed the defacto complainant. Thereafter, the defacto complainant was driven out of the matrimonial home with her children. Hence, the complaint.

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

<https://hcservices.courts.gov.in/hcservices/> 4.The learned counsel appearing for the petitioner submitted



that the petitioner and the defacto complainant are the husband and wife. The defacto complainant used to quarrel with the petitioner and went to her parental home in the year 2016 and filed a petition in D.V.C.No.32/2020 under the Domestic Violence Act before the learned Judicial Magistrate, Additional Mahila Court, Trichy against the petitioner and her in-laws. The learned Magistrate has taken cognizance only as against the petitioner. He further submitted that other accused persons were already released on anticipatory bail. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner is the husband of the defacto complainant and he got married with another woman and hence, he harassed the defacto complainant. Thereafter, the defacto complainant was driven out of the matrimonial home with her children. He further submitted that the investigation was completed in this case and the charge sheet has also been filed before the learned Additional Mahila Court, Trichy and the same has been taken cognizance in C.C.No.1075 of 2020.

6.Considering the facts and circumstances of the case and also considering the fact that the charge sheet was filed before the learned Magistrate and the same has been taken cognizance, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

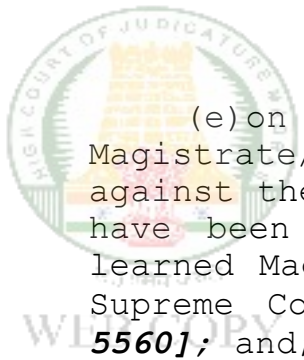
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Trichy, on condition that the petitioner shall execute 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 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** for a period of **four weeks** without fail 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/11/2020

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-7771[I] dated 30/11/2020)

ORDER
IN
CRL OP(MD) No.13503 of 2020
Date : 27/11/2020

DSS
SRS/AKM/SAR-II/03.12.2020/3P/6C