



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD) . No.13831 of 2020

S.Ayyadurai

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No.348 of 2020.

... Respondent/Complainant

For Petitioner : M/s.B.Karuppasamy,
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 Crime No.348 of 2020 on the file of the
Respondent Police

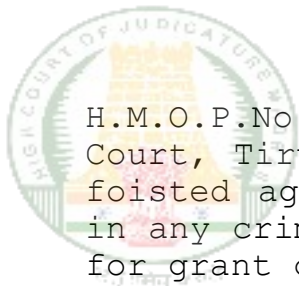
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 324, 506(ii) of IPC r/w Section 4 of Tamilnadu Women
Harassment Act, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married
the defacto complainant and due to family dispute between them, the
petitioner attacked the defacto complainant and also had broken her
leg and hand.

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 in order to grab huge amount from the petitioner, a false
complaint has been foisted as against the petitioner herein.
In fact, the petitioner also filed a divorce petition in



H.M.O.P.No.73 of 2019, which is pending before the Subordinate Court, Tirunelveli. While being so, the present false case has been foisted against the petitioner and the petitioner nothing involved in any crime as alleged by the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to family dispute, the petitioner attacked the defacto complainant, namely, his own wife and there by, she sustained grievous injury and fracture on her leg and hand. On earlier occasion, this Court dismissed the anticipatory bail application of the petitioner in Crl.OP(MD) No.12070 of 2020 for the reason that the injured was still in hospital. Now, she was discharged from the hospital.

6. It is seen that the petitioner is none other than the husband of the defacto complainant, they got married and thereafter, there was a family dispute between them. While being so, the petitioner attacked the defacto complainant and had broken her leg and hand. Even though, she was admitted in hospital as in-patient, now she was discharged from the hospital.

7. Considering the above facts and circumstances of the case, 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 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, Tirunelveli, 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 two weeks without fail 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/-
02/12/2020

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/ /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 NO.III, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13831 of 2020
Date : 02/12/2020

dss
PK/AKM/SAR-III/09.12.2020 : 3P/5C