



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.13568 of 2020

V.Ramesh Kumar

... Petitioner/Accused

Vs

The Inspector of Police,
T-6, Police Station, Arumanai,
Kanniyakumari District.
Crime No.496/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Maharaja,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No. 496 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, & 506 (ii) of IPC and Section 4 of Tamilnadu Woman Harassment Act, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the petitioner and the defacto complainant, there was a wordy quarrel arose between them and the petitioner was said to have abused the defacto complainant by using filthy language and also tortured and harassed her. 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 that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner and the defacto complainant are the husband and wife. Due to matrimonial dispute between the petitioner and the defacto complainant, a false case been foisted as against the petitioner herein. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that due to matrimonial dispute between the petitioner and the defacto complainant, there was a wordy quarrel arose between them and the petitioner was said to have abused the defacto complainant by using filthy language and also tortured and harassed her.

6.Considering the facts and circumstances of the case and also considering the fact that there is only wordy quarrel arose between the petitioner and the defacto complainant and both are being husband and wife, 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 Court No.I, Kuzhithurai, 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 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.

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sd/-
27/11/2020

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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.I, KUZHITHURAI.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
T-6, POLICE STATION, ARUMANAI,
KANNIYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13568 of 2020
Date :27/11/2020

dss
AE/JC/SAR-IV (03.12.2020) 3P / 5C