



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.14680 of 2020

Maheshwaran

... Petitioner/
Accused No.1

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Madurai Town.
Crime No.17 of 2020

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A) and 506(i) of IPC, in Crime No.17 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner. The marriage between the petitioner and the defacto complainant took place on 19.08.2005 and it is an inter-caste marriage and they were living together. Out of their wedlock, they are blessed with two female children. During the existence of their marriage, the petitioner has married the another girl and begotten one male child. When the same was questioned by the defacto complainant, the petitioner said to have abused the defacto complainant by using filthy language and driven her out from the matrimonial home. Hence, the present complaint.



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

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner said to have tried the second marriage only and there is no other serious allegation against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that during the existence of marriage between the petitioner and the defacto complainant, the petitioner has married the another girl and begotten one male child. When the same was questioned by the defacto complainant, the petitioner said to have abused the defacto complainant by using filthy language and driven her out from the matrimonial home. Hence, he opposed this petition.

6.Considering the above facts and circumstances of the case and the fact that it is matrimonial dispute and there is no other serious allegation against the petitioner, 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 Additional Mahila Court, (Judicial Magistrate Level), Madurai, 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 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



(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2020

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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 ADDITIONAL MAHILA JUDGE,
(JUDICIAL MAGISTRATE LEVEL)
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-8180[I] dated 15/12/2020)

ORDER

IN

CRL OP(MD) No.14680 of 2020

Date :14/12/2020

VSG

<https://hservices.ecourts.gov.in/hcservices/> SPS/IC/SAR-III/17.12.2020/3P/6C