



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13755 of 2021

M.AJITHKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE, ERODE DISTRICT.
CRIME NO.10 OF 2020.

[RESPONDENT]

For Petitioner : M/S. C.S.SARAVANAN Advocate

For Respondent : Mr.L.Baskaran, Government Advocate (Crl.Side)

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

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 498(A), 354, 355, 506(i), 506(ii) and 294(b) of IPC in Crime No.10 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the Petitioner had love affair with the defacto complainant for 10 years and thereafter got married with the defacto complainant. During the initial stage of pregnancy of the defacto complainant, the petitioner kicked in her stomach and assaulted her, due to which she was aborted. Therefore, she was admitted in the hospital. Thereafter, there was harassment by the petitioner and his family members. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner got married with the defacto complainant. Subsequently there was a misunderstanding between them and as such the petitioner filed a divorce petition and it is pending as against the defacto complainant. In such circumstances, the Defacto Complainant has preferred a false complaint against the Petitioner and his family members. As far as, the other accused persons, they were granted anticipatory bail in Crl.OP.No.8773 of 2020 on 24.06.2020 by this Court. Therefore, he prays to grant anticipatory bail to the



4. The learned Government Advocate(Crl.side) would submit that the petitioner had love affair with the defacto complainant for 10 years and thereafter got married with the defacto complainant. The petitioner assaulted her when she was at the initial stage of pregnancy and later got aborted. The petitioner abandoned her, due to which he filed a divorce petition and it is pending as against the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner already filed anticipatory bail petition on 24.06.2020 and the same was dismissed. Even till today, the respondent did not take any steps to secure the petitioner. Only because of the absconding of the petitioner, now the investigation is also stalled. Considering the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-III, Erode on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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. and 05.30 p.m. until further orders.

[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 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
11/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE, ERODE DISTRICT.

+1 CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.8482

CRL OP.13755/2021

Date :11/08/2021

TA-16/08/2021