



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23035 of 2021

K.ARUN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
DHARMAPURI, DHARMAPURI DISTRICT.
(CRIME NO. 10 OF 2021)

[RESPONDENT]

For Petitioner : M/S. S.CHINNASAMY Advocate

For Respondent : MR.S.BALAJI, Govt. 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 alleged offence under Sections 498(A) of IPC and 4 of TNPWH Act in Cr.No.10 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant married the petitioner. Due to the said wedlock, one child was born to them. It is alleged that when the defacto complainant was residing in her matrimonial home, the petitioner and in-laws of the defacto complainant abused her and driven out her from the matrimonial home and they have planned to perform second marriage for the first petitioner. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has filed affidavit dated 16.12.2021 before this Court stating that he withdrawn the divorce proceedings, which was filed by him earlier and he undertakes to reunion with the defacto complainant and hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submitted that this is the 3rd anticipatory bail application of the petitioner and the co-accused have already been enlarged on bail by this court.

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5. Considering the fact that the petitioner has withdrawn the HMOP, and he undertakes to reunion with his wife and considering the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Additional Mahila Court, Dharmapuri, on condition that the petitioner shall execute the bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two 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 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 Court concerned 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
16/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION DHARMAPURI,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.CHINNASAMY Advocate on payment of necessary charges SR.NO.15105

CRL OP.23035/2021

Date :16/12/2021

CSK 27/12/2021