



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM

THE HONOURABLE Mr. JUSTICE B.PUGALENDHI

CRL.O.P.No.25859 of 2021

R.Ezhumalai

... Petitioner

Versus

State represented by
The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore.

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.812 of 2021 on the file of the respondent/complainant.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.812 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is none other than wife of petitioner, went to market for purchasing vegetables, the petitioner waylaid her and shouted her in filthy language, attacked her with weapon and also threatened her with dire consequences to do away with her life. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are husband and wife. As there was a matrimonial dispute, there was a quarrel between them demanding transfer of property in her name and failing to comply with her demand, she has threatened him and she has lodged the present false complaint. The learned counsel would further submit that the petitioner is an innocent person and he is no way connected with the offence. He would further submit that the petitioner has been falsely



implicated as accused in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to a dispute with respect to transfer of property in the name of defacto complainant, there was a wordy quarrel between them, as a result of which, the petitioner has assaulted her with knife, thereby caused injury on her neck. He would further submit that the injured discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that on the date of occurrence, due to a dispute with regard to transfer of property in her name, there was a wordy quarrel between the petitioner and the defacto complainant, thereby assaulted her with knife, injured discharged from the hospital, and no previous case pending against the petitioner, considering their relationship, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 Judicial Magistrate II, Cuddalore on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

-sd/-

29/12/2021

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.II, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE
CUDDALORE NEW TOWN POLICE STATION,
CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SIVA KUMAR Advocate on payment of necessary charges
Sr.15639

CRL OP.25859/2021

Date :29/12/2021

RVR 03/01/2022