



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1503 of 2021

Parasuraman

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Tirupparankundram,
Madurai District.
Crime No. 28 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Muthumalai Raja,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

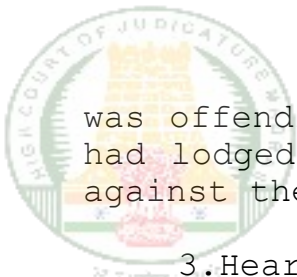
PRAYER :-

For Anticipatory Bail in Crime No.28 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 498(A), 406 and 506(i) of IPC and Section 67(A) of Information Technology Act, in Crime No.28 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as constable in F2 Pdupettai Police Station, Chennai. The marriage between the petitioner and the defacto complainant had taken place on 02.04.2017. After the marriage, a child was born on 20.05.2018. Thereafter, the petitioner had questioned the fidelity and paternity of the child and started neglecting the defacto complainant and child. Thereafter, both of them have exchanged text message, which



was offending against each other. Finally, the defacto complainant had lodged the present complaint and the same has been registered against the petitioner and his family members.

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

4. Earlier this Court directed Deputy Superintendent of Police, Thirumangalam, Madurai District, to conduct enquiry. Thereafter, the Deputy Superintendent of Police, Thirumangalam, who conducted enquiry and sent a report.

5. From the report, it is seen that both the petitioner and the defacto complainant had realized their mistake and they are willing and ready to joint together as husband and wife and undertaking was also given before the Deputy Superintendent of Police, Thirumangalam.

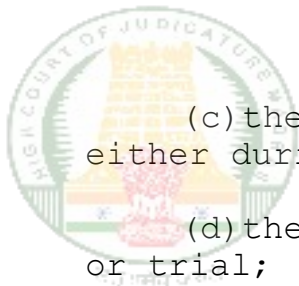
6. The learned counsel appearing for the petitioner submitted that though such undertaking had been given, the marriage between the petitioner and the defacto complainant had broken and it cannot be easily resolved. He further submitted that the petitioner had given undertaking before the Deputy Superintendent of Police, Thirumangalam, on the fear that since he is from the Police Department, he made lose his job. He further submitted that the defacto complainant had given such undertaking to reunion on the advice.

7. Without expressing any opinion on the merits and demerits of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 (Additional Mahila Court), 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 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;

WEB COPY (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/-

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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 JUDICIAL MAGISTRATE
(ADDITIONAL MAHILA COURT), MADURAI.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUMANGALAM, MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPARANKUNDRAM, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.1503 of 2021
Date :22/03/2021

vsg

AE/JC/ (29/03/2021) 3P / 5C

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