



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2220 of 2021

H.Pandi

... Petitioner/Sole Accused

Vs

State rep.by,
The Sub Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai District.
Crime No. 515 of 2012.

... Respondent/Complainant

For Petitioner : Mr.G.M.Xavier
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.515 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused in Crime No.515 of 2012 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 324, 498(A) and 506(ii) of IPC and Section 4 of TNPHW Act, which is now pending in C.C.No.134 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the estranged wife of the petitioner. On 13.05.2012, due to matrimonial dispute, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner was said to have abused the defacto complainant by using filthy language and also assaulted her with hands. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. 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 injured person has already been discharged from the hospital. He further submitted that the occurrence said to have taken place in the year 2012 and the case is pending in C.C.No.134 of 2016. he further submitted that the petitioner was not aware of the pendency of this case and absconding charge sheet has been filed and NBW has also been issued against the petitioner and the same is pending. He further submitted that the petitioner was neither called for enquiry nor arrested. Hence, he seek for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital and in the year 2016, NBW has been issued against the petitioner and the same is pending, 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 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;

(e)on breach of any of the aforesaid conditions, the learned Judicial 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/-
23/02/2021

/ TRUE COPY /

/ /2021
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. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE SUB INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
THALLAKULAM, MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.G.M.XAVIER, Advocate SR.No.7172(F)

ORDER
IN
CRL OP(MD) No.2220 of 2021
Date : 23/02/2021

VSG
PK/PN/SAR-I/01.03.2021 : 3P/6C