



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.09.2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.2303 of 2021

K.Manikandan

... Petitioner/Accused No.1

Vs

1.The State rep.by
The Sub-Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
Crime No.17 of 2020

... 1st Respondent/Complainant

2.Priyanka

... 2nd Respondent/Defacto Complainant

For Petitioner : Mr.H.ARUMUGAM,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

For Intervenor : Mr.V.SELVAKUMAR, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A) and 506(1) IPC in Crime No.17 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the de-facto complainant. Due to matrimonial dispute between the petitioner and the de-facto complainant, the petitioner and other accused assaulted the de-facto complainant physically and mentally and also driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioner submits that in the mediation, the petitioner and the de-facto complainant have agreed

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to join together, however, it was objected by the parents of the de-facto complainant. He further submits that though the petitioner is willing to live with the de-facto complainant, it is only at the instance of the parents of the de-facto complainant, she is not willing. Hence, the entire problem has arisen.

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4.The learned Government Advocate (Crl. Side) for the respondent submits that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District Munsif-cum-Judicial Magistrate, Karaikudi, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 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.

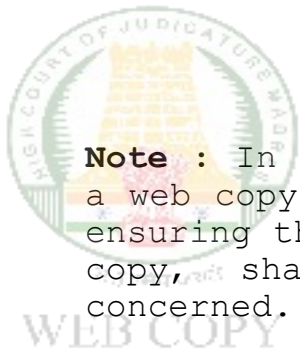
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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 PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2303 of 2021

Date :08/09/2021

SA/PN/SAR.1/22.09.2021/3P/5C