



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.2610 of 2021
and

CRL MP(MD)No.4444 of 2021

D.Maheshwaran ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
In Crime No.3 of 2021 ... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkkaravarthy, Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.3 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, working as an Assistant Manager in Tamil Nadu Mercantile Bank approached this Court, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A, 406 and 506(1) of IPC in Crime No.3 of 2021, on the complaint of the petitioner's wife one Abinaya.

2. The defacto complainant Abinaya has opposed this application by filing an intervening petition.



3. This Court by earlier order dated 19.02.2021, directed both the parties to solve the dispute amicably through Mediation. Pursuant to the same, the petitioner filed an affidavit that an agreement was reached between the parties and as per the agreement, the petitioner has to pay monthly interim maintenance of Rs.15,000/- (Rupees Fifteen Thousand Only) to the defacto complainant and her two children without prejudice to his defence in MC.No.16 of 2019 on the file of the Judicial Magistrate No.II, Virudhunagar.

4. In view of the further development, the learned counsel for the defacto complainant is not having any objection for grant of anticipatory bail.

5. Therefore, anticipatory bail is granted to the petitioner and this petition is accordingly allowed.

6. 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 Judicial Magistrate No.2, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required, 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



Consequently, the connected Miscellaneous Petition is closed.

sd/-
09/08/2021

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/ /2021

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

mbi

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 NO.II
VIRUDHUNAGAR
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2610 of 2021
Date :09/08/2021

PKP/VR/SAR4/23.08.2021/3P/5C