



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.2944 of 2021

Amarnath

... Petitioner/Accused No.1

Vs

State Represented by,
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
In Crime No.549 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Pandiyaraj,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime no.549 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 498A of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.549 of 2020, seeks anticipatory bail.

2. The learned counsel for the petitioner submits that the petitioner is working in Indian Army and the marriage had taken place on 19.10.2018. Thereafter, out of misunderstanding, they were living separately from 2019. He further claims that, the petitioner filed divorce petition before the Sub Court, Aruppukottai in HMOP.No.175 of 2019 and the same is pending. He also submits that the defacto complainant has filed DVOP petition and pursuant to the interim order, she is now residing with the petitioner.



3.The learned Government Advocate (Criminal Side) submits that investigation in this case is completed, final report is filed before the concerned Court and it is yet to be taken on file.

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4. Considering the fact that this is matrimonial dispute and that the petitioner has filed a divorce petition before the Sub Court, Aruppukottai in HMOP.No.175 of 2019 and that the petitioner is working in Indian Army and that the final report is also filed before the concerned Court, this Court is inclined to grant Anticipatory Bail to the petitioner.

5. Accordingly, 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 Court, Mudukulathur, Ramanathapuram District 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 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 respondent police as and when required, until further orders.

[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 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].

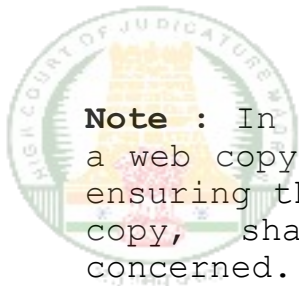
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/08/2021

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE,
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2944 of 2021
Date :02/08/2021

SS/VR/SAR-I/05.08.2021 : 3P/5C