



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3175 of 2021

Karthikesan

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Fort Police Station,
Trichy City,
Crime. No. 3/2021..

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

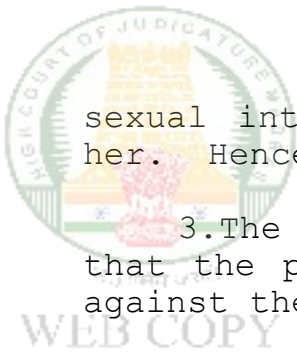
PRAYER :-

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/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 495 and 506(i) of I.P.C., on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant working as Data Entry Operator in Apollo Pharmacy at Trichy. The petitioner also working in the same Pharmacy as Pharmacist. The petitioner suppressing the first marriage and developed love
<https://hcservicesports.gov.in/hcservices/> de-facto complainant, promised to marry her and had



sexual intercourse with the de-facto complainant and also married her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false case has been foisted against the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that investigation is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.It is seen that the de-facto complainant was married to one Sureshkumar in the year 2002 and out the marriage she got a son, namely, Santhosh, who is aged about 16 years. After some time, they had separated and finally, she got divorce from the said Sureshkumar in the year 2012. In the meanwhile, during the year 2019, the de-facto complainant had joined Apollo Pharmacy as Data Entry Operator, wherein, the petitioner was already working as Pharmacist. Thereafter, they developed relationship and they have been living as husband and wife. In fact the petitioner has set up Pharmacy to the de-facto complainant. The petitioner has also got employment in Government Department as Pharmacist and now the de-facto complainant blaming the petitioner that had concealed about the earlier marriage and his family and married the de-facto complainant.

5.Considering the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Additional Mahila Court, Judicial Magistrate Level, Tiruchirappalli, 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 Magistrate/ Trial Court is entitled to take appropriate action

<https://hccs.courts.gov.in/hccs/portal/> 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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sd/-
03/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 ADDITIONAL MAHIL JUDGE,
JUDICIAL MAGISTRATE LEVEL,
TIRUCHIRAPPALLI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
FORT POLICE STATION,
TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3175 of 2021
Date :03/03/2021

NR/VR/SAR-III(08.03.2021) 3P:5C