



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

Date : 13.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.3918 of 2021

WEB COPY

Subramaniyan ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
In Crime No. 01 of 2021 ... Respondent/Complainant

For Petitioner : Mr.J.M.Hassanul Bazari

For Respondent : Mr.T.Senthilkumar

Government Advocate(Crl. side)

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

PRAYER :-

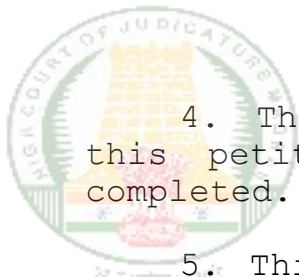
For Anticipatory Bail in Crime no.1 of 2021 on the file of the respondent Police.

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 Sections 498A and 506(1) of IPC in Crime No.1 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant. The petitioner had driven the defacto complainant out of the matrimonial home on 22.08.2020 and married one Kumudhapriyanka as second wife. Hence, the complaint.

3. The learned counsel for the petitioner submits that the marriage between the petitioner and the defacto complainant was solemnized in the year 2009. The petitioner was working in abroad and when he returned from abroad, the defacto complainant insisted to set up the family at Ramanathapuram, for which, there was dispute between the parties. He would submit that the petitioner has also filed HMOP.No.66 of 2018 for divorce and the same is pending before the Sub Court, Ramanathapuram. This complaint was lodged belatedly on 22.02.2021.



4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is yet to be completed.

5. This Court, by earlier orders, referred the matter to the Mediation Centre. According to the learned counsel for the petitioner, the petitioner appeared for Mediation, but the respondent did not appear.

6. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed. To find out if there is any possibility for settlement between the parties, the matter is referred to the Social Welfare Officer attached to Ramanathapuram District. The petitioner and the defacto complainant shall appear before the respondent Police and the respondent Police shall refer both the parties to the Social Welfare Officer, Ramanathapuram District. The concerned Social Welfare Officer shall conduct an enquiry/counselling and find out the possibility of arriving a solution between the parties.

7. 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 Judicial Magistrate Court, Paramakudi 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., 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

<https://hccourtsrecords.gov.in/Kcse/Case/ji> 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/-
13/08/2021

WEB COPY

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

COPY TO
THE SOCIAL WELFARE OFFICER,
RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.3918 of 2021
Date :13/08/2021

GC/JM/SAR-2/19/08/2021/3P/6C