



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

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4763 of 2021

M.Balaji

...Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Sessions Court Police Station,
Trichy City.
Crime No.212 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Rajesh,
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. 212 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 offences punishable under Sections 323 IPC r/w Section 4 of the Prohibition of Woman Harassment Act in Crime No.212 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the son-in-law of the defacto complainant. Due to matrimonial dispute, there was some wordy quarrel arose, in which, the petitioner assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that already the



petitioner filed a divorce petition in HMOP.No.100 of 2020 before the Sub Court, Karur and suppressing the same, the present complaint has been lodged. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that investigation is pending.

5.It is seen that the defacto complainant is none other than the father-in-law of the petitioner. A divorce petition filed by the petitioner in HMOP.No.100 of 2020 is pending. Prior to the filing of this petition, the defacto complainant is said to have given Rs.3,00,000/- as loan to the petitioner, which was demanded by the defacto complainant. Hence, the dispute arose.

6.Considering the above facts and circumstances of the case and considering the fact custodial interrogation is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Additional Mahila Court, Magistrate Level, Trichy, 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 petitioners 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 appear 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/03/2021

WEB COPY

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/ /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 JUDGE,
ADDITIONAL MAHILA COURT,
MAGISTRATE LEVEL, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4763 of 2021
Date :29/03/2021

GNS
MS/PN/07.04.2021/3P.5C