



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

Saturday, the Seventeenth day of April Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MDNo.5437 of 2021

Christo Abraham

... Petitioner/Accused Rank No.1

Vs

The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District
(Crime No.427 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Mithun Chakravarthi.A.,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

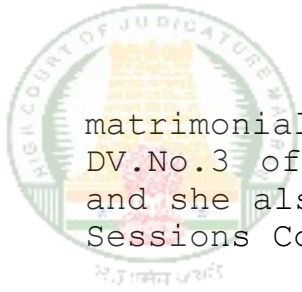
To Anticipatory Bail in Crime No.427 of 2020 on the file of the
Respondent Police

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 Sections
294(b), 323 IPC and Section 4 of the Tamil Nadu Prohibition of Woman
Harassment Act in Crime No.427 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the wife of the petitioner herein. Due to matrimonial dispute,
the petitioner and other accused abused the defacto complainant and
also attacked her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution. He further submitted that due to



matrimonial dispute, the defacto complainant filed a petition in DV.No.3 of 2018 before the Judicial Magistrate Court, Rajapalayam and she also filed another petition in IDOP.No.13 of 2018 before the Sessions Court, Virudhunagar District.

4.The learned Government Advocate(Crl.side) submitted that it is a matrimonial dispute and investigation is pending.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

6.It is seen from the submissions that the defacto complainant is the wife of the petitioner and there is a matrimonial dispute pending between them and the defacto complainant filed a petition in DV.No.3 of 2018 before the Judicial Magistrate Court, Rajapalayam and she also filed another petition in IDOP.No.13 of 2018 before the Sessions Court, Virudhunagar District. Considering the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Judicial Magistrate No.II, Sattur, 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 daily at 10.30 am., 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/-
17/04/2021

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

GNS

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, SATTUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION, VIRUDHUNAGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5437 of 2021
Date :17/04/2021

GNS
CSL/26.04.2021 : 3P/5C