



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6528 of 2021

Vivek Rao ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
AWPS Police Station,
Manaparai,
Trichy District.

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
Advocate.

For Respondent : Mr.A. Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.4/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is husband of the defacto complainant. The petitioner said to have harassed and abused the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has never committed any offence as alleged by the prosecution. He further submitted that the petitioner had filed a petition in Crl.OP(MD) No. 3014 of 2021 to quash the First Information Report and the same was dismissed on 25.02.2021 on the ground that charge sheet was laid by the respondent police before the learned Judicial Magistrate, Manaparai, Trichy District. Hence, he prayed to grant anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that, after completing investigation the respondent police laid charge sheet before the concerned Magistrate Court.

5. Considering the facts and circumstances of the case and matrimonial dispute is pending between the parties and also taking note of the fact that charge sheet was laid before the concerned Magistrate Court, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy 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 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 on first working day of every month 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/05/2021

/ 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.

WEB COPY

TO

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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-3669[I] dated 06/05/2021)

ORDER

IN

CRL OP(MD) No.6528 of 2021

Date :05/05/2021

KSA

MS/PN/SAR-3/10.05.2021/3P.6C