



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7008 of 2021

Gopinath

... Petitioner/Sole Accused

Vs

State Rep by,  
The Inspector of Police,  
Jeeyapuram Station  
Trichy District  
Crime No.12 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,  
Advocate.

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.side)

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

PRAYER :-

For ANTICIPATORY Bail in Crime No. 12 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest for the offence punishable under Sections 294(b), 498(A) and 324 I.P.C, in Crime No.12 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is the petitioner and the defacto complainant are husband and wife and they got married two years back. The petitioner quarreled with the defacto complainant by suspecting her fidelity and abused her in filthy language and also assaulted her. Hence, the complaint.

3.Considering the nature of allegation, this Court by order dated 26.05.2021, referred the matter to the Mediation Centre attached to this Bench.

4.The learned counsel for the petitioner would submit that the matter has been referred to mediation for amicable settlement.



settlement, the defacto complainant refused to live with the petitioner that she is having affair with another man.

5. Without going into the allegation, considering the fact that the dispute is between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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, Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned 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 the respondent police daily at 10.30 a.m 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2021

/ TRUE COPY /

/ /2021

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

msa

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,  
ADDITIONAL MAHILA COURT,  
TRICHY.

2 DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE ,  
TRICHY.

3 THE INSPECTOR OF POLICE  
JEEYAPURAM POLICE STATION,  
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.7008 of 2021

Date :22/09/2021

PKP/JM/SAR-3/30.09.2021/3P/5C