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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7987 of 2021

Prasath ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
(Crime No.08 of 2021). ... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C
PRAYER :- For Anticipatory Bail in Crime No.08 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A), 294(b), 506(i), 494 and 109 I.P.C., in Crime No.8 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused had taken place on 12.03.2014. Due to this wedlock, the defcato complainant and the first accused had two children viz., Nikil and Nithish. For the past two years, the first accused had not come to the house of the defacto complainant and taken care of her and her two children. He had not even paid any amount for their maintenance. When she questioned as to why he has not come to the house and has not taken care of her and her children, he scolded her in filthy language and he also stated that he thought of marrying the sister of the defacto complainant viz., Meena and he was forced to marry the defacto complainant. He told her if she wants to live happily, she should help him to marry Meena, else, he would kill her and children. When she refused to accede his demand, he criminally intimidated and left. Later, the defacto complainant came to know that the first accused had married Meena on 12.11.2020. Now Meena is in family

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way. Again, the first accused threatened the defacto complainant to give consent for divorce and he threatened to kill her. He also filed O.P.No.101 of 2020, on the file of the Kulithalai Sub Court, seeking divorce, by giving false reasons. Therefore, this case came to be registered.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He concedes that the petitioner has filed a petition for divorce and it is pending. However, he is not in a position to say the ground/grounds, on which the petition for divorce is filed.

4. The learned Government Advocate (Crl.side) appearing for the State opposed this petition on the ground that the investigation in this case is not yet completed.

5. Considering the allegations made in the F.I.R., that the first accused had abused and physically harassed the defacto complainant seeking consent for marrying Meena, who is the second accused in the case, the fact that he had physically assaulted the defacto complainant, for which the present case has been registered for the offences punishable under sections 498(A), 294(b), 506(i), 494 and 109 I.P.C., and the investigation is in preliminary stag e, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/06/2021

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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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MUSIRI, TRICHY DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.S.T.SASIDHARAN TAMILKANI, Advocate in SR.No.4185

ORDER IN
CRL OP(MD) No.7987 of 2021
Date :24/06/2021

AEV/VR/SAB-III/29.06.2021/2P/4C

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