



WEB COPY

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.8265 of 2021

Sumanthiran Subbaiah

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
S.V.Mangalam Police Station,
S.V.Mangalam, Sivagangai District.
(Cr.No.97 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Santhana Krishnan.P.,
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.97 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under section 294(b) and 323 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.97 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are spouses. Due to some family dispute on 17.06.2021 at about 04.00p.m., the accused said to have attacked the defacto complainant on the ground that she had not prepared a tea as instructed. 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.



4. The learned Government Advocate (Crl.Side) appearing for the State opposes this petition on the ground that the investigation in this case is not yet completed. He further submitted that the injured has been discharged from the hospital and she was treated as out-patient.

5. Considering the fact that the defacto complainant and the petitioner are spouses and the injured was treated as out-patient and the fact that the incident had happened due to some petty issue, 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 on his appearance before the learned Judicial Magistrate, Singampunari, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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 daily at 10.30 a.m., 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/06/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE, SINGAMPUNARI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
S.V.MANGALAM,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8265 of 2021
Date :24/06/2021

SSL
TE/PN/SAR-IV : 29/06/2021 : 3P/5C