



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10475 of 2021

M.Murugan

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
(Crime No.257 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan, Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

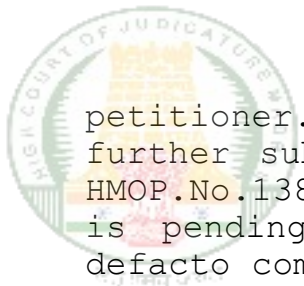
for Anticipatory Bail in Crime No.257 of 2021 on the file of the respondent police.

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 Women Harassment Act in Crime No.257 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant and their marriage was solemnized on 18.06.2007. Due to matrimonial dispute, the petitioner abused the defacto complainant in filthy language and also attacked her. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and the defacto complainant



petitioner. Therefore, there was a wordy quarrel between them. He further submitted that the petitioner filed a divorce petition in HMOP.No.138 of 2021 before the Family Court, Kovilpatti and the same is pending. After receiving summons from the Family Court, the defacto complainant preferred the present false complaint.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there was a matrimonial dispute between the parties and the injured person was discharged from the hospital.

5.Considering the fact that the dispute is between the husband and wife and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner. The respondent police shall refer the matter to the Social Welfare Officer to find out any amicable settlement among the parties.

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 No.II, Kovilpatti, 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 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 respondent police as and when required.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/08/2021

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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, Kovilpatti.

2.Do-Through The Judicial Magistrate, Thoothukudi Dist.

3.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD)No.10475 of 2021

Date : 11.08.2021

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