



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10602 of 2021

Ramasamy @ Prabhu

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub-Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai District.
(Crime No.5 of 2019).

... Respondent/Complainant

For Petitioners : Mr.S.SARAVAGAN PRABHU, Advocate
for Mr.K.SELVAM, Advocate
For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor(crl.side)
For Intervenor : Mr.R.Shankar Ganesh, Advocate

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

PRAYER :-

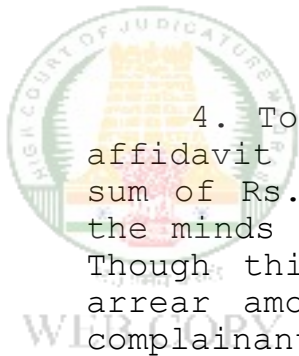
For Anticipatory Bail in Crime No.5 of 2019 on the file of the respondent police

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), 406, 294(b) and 506(i) of IPC, in Crime No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the defacto complainant would submit that she has filed a petition seeking maintenance in M.C.No.40 of 2020, on the file of the Family Court, Madurai. Though several summons have been issued in the maintenance case, the same were returned with an endorsement "no such person in the address. In the meantime, the present anticipatory bail petition has been filed by the petitioner by mentioning the very same address.

3. The learned counsel appearing for the petitioner disputed the aforesaid submission and sought time to get instructions. At the request of the learned counsel for the petitioner, the matter was adjourned and the petitioner was directed to pay the entire arrear amount in the maintenance case in M.C.No.40 of 2020, on the file of the Family Court, Madurai, filed by the defacto complainant.



4. Today, the learned counsel for the petitioner has filed an affidavit of the petitioner that the petitioner is ready to pay a sum of Rs.2,000/- per month, to the defacto complainant, which, in the minds of this Court, is not sufficient to meet the daily needs. Though this Court has directed the petitioner to pay the entire arrear amount in respect of the maintenance case to the defacto complainant, there is no whisper about the same. This Court is therefore not satisfied with the affidavit filed by the petitioner.

5. Curiously, in this affidavit also, the petitioner has mentioned the very same address as mentioned in the Criminal Original petition, to which, according to the defacto complainant, summons were sent by the Family Court in the maintenance application. Therefore, it is clear that the petitioner is evading the summons of the Family Court and has filed this application before this Court for anticipatory bail.

6. For this conduct of the petitioner and in view of the foregoing discussions and the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed. The petitioner shall renew the application after entering appearance in the maintenance proceedings and filing his counter affidavit in the said proceedings.

sd/-

24/09/2021

/ 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 SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI DISTRICT.

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

+1 cc to M/S.Dictum Law Firm, Advocate, SR.No.6664

ORDER IN

CRL OP(MD) No.10602 of 2021

Date :24/09/2021

SA/VR/SAR.1/28.09.2021/2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>