



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11029 of 2021

Chandrasekar,

... Petitioner/Accused Rank No.1

Vs

State Rep. By  
The Inspector of Police,  
All Women Police Station,  
Thirumayam,  
Pudukkottai District.  
(In Crime No.04 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Mohammad Kasim.S,  
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

For Intervenor : Mr.V.Selvakumar, Advocate.

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

PRAYER :-

for Anticipatory Bail in Crime No.4 /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 offence punishable under Sections 498(A) and 494 of IPC, in Crime No.04 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the defacto complainant on 01.06.2014. After the marriage, the petitioner has illegally contacted many women. Due to which, a dispute arose between the petitioner and the defacto complainant and she left her matrimonial home. Thereafter, she got information that the petitioner's family had second marriage for her husband. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and only with a view to harass the petitioner and his family members, the defacto complainant lodged a false complainant. He further submitted that the petitioner has filed a petition for restitution of conjugal rights in H.M.O.P.No.158 of 2019 before the Principal Sub Court, Pudukkottai.

4.The learned counsel for the petitioner further submitted that the petitioner has filed an undertaking affidavit that he would pay a sum of Rs.6,000/- as monthly maintenance to his wife and child, without prejudice to his defence before the trial Court.

5.The learned counsel appearing for the defacto complainant claimed that the petitioner got married with another woman and he has also produced the photograph to that effect.

6.Since it is a matrimonial dispute, this Court, by order dated 13.08.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report. The District Social Welfare Officer has also filed a report stating that there is no possibility of reunion.

7.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, his willingness to pay a sum of Rs.6,000/- as monthly maintenance to his wife and child and there is no scope of reunion, this Court is inclined to grant anticipatory bail to the petitioner.

8.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, Thirumayam, Pudukkottai District, 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 appear 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/-  
28/10/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CP

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,  
THIRUMAYAM, PUDUKOTTAI DISTRICT.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, THIRUMAYAM,  
PUDUKKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.S.MOHAMMED KASIM, Advocate (SR-7675[I] dated 29/10/2021)

ORDER  
IN  
CRL OP(MD) No.11029 of 2021  
Date :28/10/2021