



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11866 of 2021

WEB COPY

Nithyanantham

... Petitioner / Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thanjavur District.
(Crime No.05 of 2021)

... Respondent / Complainant

For Petitioner : Mr.V.Kathirvelu
for Mr.G.Sethu Surendhar
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.05 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 offence punishable under Section 498(A) IPC in Crime No.05 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant married her father's Nephew one Rajasekar in the year 2012. The petitioner has been one of her family friend since childhood. The petitioner sent a good night message to the de-facto complainant after the marriage. Due to that, the de-facto complainant's husband suspected her character and harassed and had a fight every day. Thereafter, the de-facto complainant, unable to live with him, got mutual consent divorce. In the said circumstances, the de-facto complainant started relationship with the petitioner and the petitioner also promised to marry her. But due to the family pressure, the petitioner has not informed the parents and married the de-facto complainant on 30.08.2015 and the same was also known to the de-facto complainant's family members. At present, she informed the petitioner that she is 5 months pregnant and asked to inform the parents, but he refused. On 13.07.2021, the petitioner informed that he already got married and also having a child. With the above allegations, the respondent police registered the case.



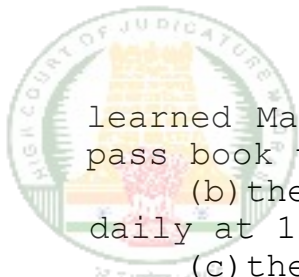
3.The learned counsel for the petitioner submits that the petitioner is a married man and also having children. The petitioner is a resident of Thanjavur and he lives in a joint family and running a hotel business. The de-facto complainant is a resident of the same street where the petitioner's family is residing and the de-facto complainant's brother is a very good friend of the petitioner. The de-facto complainant had a love affair with her relative one Radhakrishnan and later, she got married to Rajasekar who is the brother of said Radhakrishnan. Even after the marriage, she had an illegal intimacy with the said Radhakrishnan and later, it was suspected by her husband and he was not ready to live and applied for divorce and both got separated.

4.The learned counsel for the petitioner further submits that the said Radhakrishnan had a live in relationship with the de-facto complainant. Thereafter, the petitioner went to Chennai for his job in 2015 and later, he came to Thanjavur only for his marriage. As a family friend, the petitioner invited the de-facto complainant and her family members and all of them attended the marriage and all localities knows very well that the petitioner got married and subsequently, after marriage, he is having a child also. In such circumstances, the de-facto complainant visited his restaurant as a customer and had a chat as a family friend and she informed that she is working as Sales Executive at Renault showroom in Thanjavur and she is having live in relationship with General Manager of the said car showroom and soon they are going to get married and thereafter, she left the place. On 12.07.2021 again she approached the petitioner that she needs a help that she was in dire need of money and she is having some problem with her boyfriend. The petitioner informed that don't come to the restaurant again it is a business place and sent him out. To wreck vengeance, the de-facto complainant lodged a false complaint against him.

5.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

6.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Thanjavur, 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 Judge. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the



learned Magistrate may obtain a copy of their Aadhaar 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 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]**; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/10/2021

/ TRUE COPY /

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

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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 JUDGE, MAHILA COURT,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11866 of 2021
Date : 20/10/2021