



language and assaulted her.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

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4. Mr.Rajasekar, learned counsel appearing for the defacto complainant submits that the petitioner is a habitual offender and he is having three previous cases to his credit, which read as follows:

(i) STC No.260 of 2018 pending on the file of the learned Judicial Magistrate No.II, Karur.

(ii) C.C.No.353 of 2018 pending on the file of the learned Judicial Magistrate No.II, Karur.

(iii) Crime No.310 of 2019 - u/s. 294(b), 506(i) IPC and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, on the file of the Velayuthampalayam Police Station.

5. Considering the submissions made by the learned counsel for the defacto complainant, this Court, vide order dated 14.09.2021, directed the respondent Police to ascertain the antecedent of the petitioner.

6. Today, the respondent Police have filed the details of antecedent of the petitioner, which are as follows:

(i) Cr.No.170 of 2017 u/s. 294(b) and 323 IPC on the file of the Velayuthampalayam Police Station;

(ii) STC No.260 of 2018 pending on the file of the learned Judicial Magistrate No.II, Karur;

(iii) Crime No.310 of 2019 - u/s. 294(b), 506(i) IPC and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, on the file of the Velayuthampalayam Police Station.

7. The learned Government Advocate (Crl. Side) submits that apart from these cases, the petitioner is also involved in another case in Cr.No.115 of 2018.

8. The learned counsel for the petitioner disputed the same that in Cr.No.115 of 2018, the name of the accused is K.Sathishkumar, S/o.Karuppan. Whereas the name of the petitioner herein is K.Sathiskumar, S/o.Kumarasamy. Since the name of the accused in Cr.No.115 of 2018 is similar to the name of the petitioner, the respondent Police wrongly referred as if the petitioner is an accused in Cr.No.115 of 2018.

9. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that there is a matrimonial dispute between the petitioner and the defacto complainant and the defacto complainant also filed a petition for divorce in the year 2020, this Court is inclined to



grant anticipatory bail to the petitioner.

10. Accordingly, this Criminal Original Petition is allowed. 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, Karur, 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 report before respondent police daily at 10.30 am., 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/-

17/09/2021

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

OGY

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.

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



TO

1 THE LEARNED JUDICIAL MAGISTRATE NO.II,
KARUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT

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

+1. CC to M/S.SURESH K Advocate SR.No.6437

ORDER

IN

CRL OP (MD) No.13466 of 2021

Date :17/09/2021

RD(23.09.2021) 4P 6C