



WEB COPY

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

Date : 17/11/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.17271 of 2021

Parameshwaran @ Parameshkumar ... Petitioner/Accused No.1

Vs

The State of Tamil Nadu rep.
through its
The Sub Inspector of Police,
All Women Police Station,
Thanjavur,
Thanjavur District.
(Crime No.5/2019).

... Respondent/Complainant

For Petitioner : M/s. Vishnuvarthanan.P.M, Advocate.

For Respondent : M/s.Veeranthiran,
Government Advocate (Crl.Side)

For Defacto Complainant : Mr.M.Subramanian

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

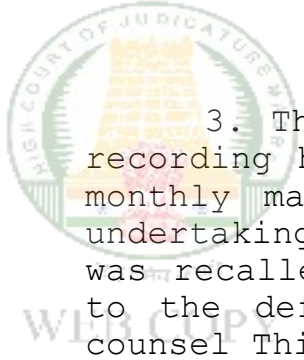
PRAYER :-

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

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 and 109 of I.P.C., in Crime No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.



3. The petitioner was earlier granted anticipatory bail after recording his undertaking that he would pay a sum of Rs.6,000/- as monthly maintenance to the defacto complainant. Since the said undertaking was not honored, the anticipatory bail earlier granted was recalled. The petitioner has since paid a sum of Rs.1,08,000/- to the defacto complainant. The same is also confirmed by her counsel Thiru.M.Subramanian.

4. The petitioner reiterates his undertaking that from the next month onwards, the undertaking earlier given before this Court would be honoured.

5. It is stated that the defacto complainant has filed M.C.No.3 of 2016 on the file of the Judicial Magistrate No.2, Thanjavur. The fact that this Court had directed the petitioner to pay a sum of Rs.6,000/- as monthly maintenance need not be taken as guiding yardstick by the maintenance Court. Before this Court, the petitioner did not adduce any evidence regarding his financial capacity. Based on the financial capacity of the petitioner, it is open to the Judicial Magistrate No.2, Thanjavur to pass appropriate orders in accordance with law. The undertaking given before this Court will abide by the order to be passed by the Judicial Magistrate No.2, Thanjavur.

6. Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Thanjavur, and on his executing 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 condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-
17/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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 JUDICIAL MAGISTRATE NO.2,
THANJAVUR.
 2. THE JUDICIAL MAGISTRAT NO.I,
THANJAVUR.
 3. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 4. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. VISHNUVARTHANAN.P.M Advocate SR.No.8170

ORDER
IN
CRL OP(MD) No.17271 of 2021
Date :17/11/2021

SP/JM/SAR I/23/11/2021/3P/7C