



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.14081 of 2021

WEB COPY

Prabhu

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
(Crime No.5 of 2021).

... Respondent/Complainant

Vinothini

... Petitioner/Intervenor

For Petitioner : M/s.G.Yazhini, Advocate.

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

For Intervenor : Mr.K.Sivabalan, for Mr.E.Balasubramanian

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

PRAYER :-

For Anticipatory bail in Crime.No.5 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494, 294(b), 506(i) and 109 of IPC, in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant took place on 15.09.2017. Due to difference of opinion between them, the petitioner filed a petition for divorce in H.M.O.P.No.43 of 2018 before the Principal Sub Court, Pudukkottai. Pending such petition, On 19.05.2021, the petitioner married the second accused namely Amritha with the connivance of the family members. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the marriage was taken place in the year 2017, the defacto complainant was suffering from incurable disease of Dystonia and the same was suppressed by her family at the time of marriage. Therefore, the petitioner filed an application to declare the marriage as null and void in H.M.O.P.No.43 of 2018 on the file of the learned Principal



Sub Court, Pudukkottai and the same is pending. The defacto complainant has also filed a domestic violence case in D.V.C.No.2 of 2018 before the Judicial Magistrate, Allangudi and she has also filed a petition for restitution of conjugal rights in H.M.O.P.No.9 of 2020 before the Principal Sub Court, Pudukkottai.

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4.The learned counsel for the petitioner further submitted that the petitioner filed an undertaking affidavit stating that he would pay a sum of Rs.2,000/- to the defacto complainant as monthly maintenance without prejudice to his rights and contentions before the trial Court.

5.The learned Additional Public prosecutor appearing for the respondent police submitted that it is a matrimonial dispute and the investigation is yet to be completed.

6.The learned counsel for defacto complainant would submit that the petitioner is a B.E graduate and working as Civil Engineer, he is also drawing a lump sum salary and apart from that, he is also having a car.

7.Though the petitioner filed an affidavit stating that he is ready to pay a sum of Rs.2,000/- to the defacto complainant, this Court expressed its view that he may pay a sum of Rs.4,000/- as monthly maintenance to the defacto complainant and the petitioner also agreed for the same.

8.Considering the facts and circumstances of the case, the nature of the allegations levelled against the petitioner and his readiness to pay monthly maintenance to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

9.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, Alangudi, 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 report before 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

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/ /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 Judicial Magistrate,
Alangudi, Pudukottai District.
- 2.Do Through The Chief Judicial Magistrate,
Pudukottai District.
- 3.The Inspector of Police,
All Women Police Station,
Alangudi, Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14081 of 2021
Date :28/10/2021