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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2021

PRESENT

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

CRL OP(MD) . No.15157 of 2021

Balachandar

... Petitioner/1st Accused

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District
(Crime No.16/2018).

... Respondent/Complainant

For Petitioner : M/s.Poornachandran.S., Advocate.

For Respondent : M/s.E.Antony Sahaya Prabakar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime.No.16 of 2018 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 312 and 498-A of I.P.C., in Crime No.16 of 2018 on the file of the respondent police, seeks anticipatory bail.

3. I had earlier granted anticipatory bail to the petitioner on 24.02.2021 on condition that the petitioner deposits a sum of Rs.5,000/- for the maintenance of his wife. The petitioner states that he did not furnish the sureties for certain reasons.



4. I am satisfied with the explanation given by the petitioner. The petitioner in the said petition stated that he has opened a bank account and he is depositing a sum of Rs.5,000/- every month. It is made clear that the petitioner has to abide by his undertaking that he will continue to deposit the said amount and that he will not withdraw it himself for any reason. If this undertaking given by the petitioner is breached, this Court will proceed against the petitioner for contempt. As and when his wife makes request, the petitioner will transfer the deposited money to her account. Transfer will be done only through the bank channels.

5. Recording the petitioner's undertaking to comply with the aforesaid direction, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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, Thiruvaiyaru, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police, as and when required for interrogation.

[c] the petitioner shall not tamper with 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
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/ /2021

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

PMU

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, Thiruvaiyaru.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.15157 of 2021
Date : 07/10/2021