



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

Date : 15/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.15842 of 2020

WEB COPY

Sikkandar Batcha

... Petitioner/Accused No.1

Vs

The State by
The Inspector of Police,
All Women Police Station,
Dindigul.
Cr No. 14/2020.

... Respondent/Complainant

For Petitioner : Mr.Venkatesh.D,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervener : Mr.S.M.A.Jinnah
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 14/2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 323, 342, 498(A), 365 and 509 of IPC, and Section 4
of TNPHW Act, in Crime No.14 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the
defacto complainant are husband and wife. The marriage between the
petitioner and the defacto complainant had taken place in the year
2007. Now, they are having 10 and 12 years old daughter and son.
The petitioner is dealing in leather business. The defacto
complainant was said to have been forced by the petitioner to make
relationship with his business partner and further to involve his
business activities. Hence, the defacto complainant was unable to
do the same and thereafter she left the matrimonial home.
Thereafter, the present complaint has been lodged.



3. Heard the learned counsel appearing for the petitioner and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that this case came to be registered only based on the direction issued by the lower Court under Section 156(3) of Cr.P.C.. He further submitted that there is a matrimonial dispute between the petitioner and the defacto complainant, in which, the petitioner has been making specific allegation of adultery of the defacto complainant and he has filed a suit for dissolution of marriage in O.S.No.7 of 2020 pending on the file of the Family Court, Dindigul. As a counter blast, the present case has been registered against the petitioner. He further submitted that petitioner along with family members earlier have filed anticipatory bail petition in Crl.O.P. (MD).No.12678 of 2020, this Court by order dated 10.11.2020 has granted anticipatory bail to them, except this petitioner, prior to the registration of FIR. He further submitted that earlier the enquiry was conducted and settled the issue and thereafter, the present complaint has been falsely foisted against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervener/ defacto complainant submitted that at the time of marriage 107 sovereigns of gold jewels have been gifted by the parents of the defacto complainant to the petitioner. Thereafter, 47 sovereigns of gold jewels have been sold and property was purchased in the name of the defacto complainant, which was later transferred in the name of the petitioner. He further submitted that the petitioner is having 60 sovereigns of gold jewels. After mediation, it was agreed for 34 sovereigns of gold jewels would be returned. It would suffice to the defacto complainant to receive 34 sovereigns of gold jewels and later, the petitioner has filed divorce petition on the ground of adultery after filing of the complaint. He further submitted that the petitioner has been making false allegation against her as she involved in adultery. He further submitted that the defacto complainant was living separately, since there was a matrimonial dispute between them.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the case was referred under Section 156(3) of Cr.P.C., and thereafter, the case came to be registered in Crime No.14 of 2020 for the offences punishable under Sections 294 (b), 323, 342, 498(A), 365 and 509 of IPC, and Section 4 of TNPHW Act. He further submitted that both the petitioner and the defacto complainant appeared before the mediation and it was failed. He further submitted that the investigation yet to be commenced.

6. On perusal of the materials available on records, the petitioner's son and daughter are with the petitioner and he is



7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 daily at 10.30 a.m for a period of one week and thereafter, 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]; and;

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

Further, the petitioner and the defacto complainant are directed to settle their dispute, if their desire so.

sd/-

15.03.2021

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/ /2021

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

vsg

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



TO

1. The Judicial Magistrate No.II,
Dindigul.

2. -Do- Through The Chief Judicial Magistrate,
Dindigul District.

3. The Inspector of Police,
All Women Police Station,
Dindigul.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Venkatesh, Advocate Sr.No.2183

ORDER
IN
CRL OP(MD) No.15842 of 2020
Date : 15/03/2021

VB VR SAR 3(24.03.2021) 4P 6C