



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

Date : 03/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19105 of 2021

C.Subramanian

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
AWPS Pudukkottai,
Thoothukudi District,
Thoothukudi.
(Cr.No.14 of 2020).

... Respondent/Complainant

For Petitioner : Mr.T.LAJAPATHI ROY,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.14 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(B), 498(A) IPC and Sections 2(A) and 4 of TNPHW Act, in Crime No.14 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that there was matrimonial dispute between the parties, due to which, the petitioner attacked the defacto complainant and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the fourth accused has filed CrI.OP(MD)No.9215 of 2021 and this Court vide order, dated 23.11.2021, has directed the father-in-law to return the entire jewellery to the defacto complainant in the presence of the respondent police, in case, if the jewels are lying with him and the first respondent shall withdraw the look out circular issued against the accused and further observed that the matter can be amicably resolved. He would further submit that the co-accused/A2 to A4 have already been granted anticipatory bail by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was matrimonial dispute between the parties. He would further submit that Co-accused have already granted anticipatory bail.

5.Considering the facts and circumstances of the case and also the facts that there existed matrimonial dispute between the parties and that the co-accused have already been granted anticipatory bail, 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 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.III, Thoothukudi 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 respondent Police or to 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 daily at 10.30 am for a period of one month 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/12/2021

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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 NO.III
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AWPS PUDUKKOTTAI,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY. Advocate SR.No.8860

ORDER

IN

CRL OP(MD) No.19105 of 2021

Date : 03/12/2021

SA/VR/SAR.3/08.12.2021/3P/6C