



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1583 of 2022

Sivalingam

... Petitioner

Versus

State represented by
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.32 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.32 of 2022 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.32 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was that 20 years prior to the occurrence when the marriage was solemnized between the petitioner and the defacto complainant, throughout their wedlock 3 children were born to them and the petitioner is the Lorry driver by profession and he is a HIV patient, due to that the defacto complainant deserted the petitioner and went to her parents house and lived along with them and panchayath was convened by the petitioner, on the advise of the elders she reunion with the petitioner, 6 months prior to the present complaint some misunderstanding arose between them, hence she deserted him and went to her parents house. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is some wordy quarrel between the petitioner and the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Krishnagiri, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.6,000/- (Rupees Six Thousand only) as interim maintenance until modified by the Court of Law to the credit of the wife's account within first week of every English Calendar month and shall produce the said receipt before the Court below.;

[b] 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.

[c] the petitioner is directed to appear before the Mediation at Krishnagiri Mediation Centre for 5 sittings, failing which the order will be cancelled automatically;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 anticipatory 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

25/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTRE,
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
KRISHNAGIRI MEDIATION CENTRE,
KRISHNAGIRI

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1583/2022

Date :25/01/2022

RVR 04/02/2022