



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3010 of 2022

U.UDHAYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION
TIRUVARUR DISTRICT
(CRIME NO.46 OF 2022)

[RESPONDENT]

For Petitioner : M/S.N.PALANIVEL Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323 & 506(i) of IPC in Crime No.46 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and it is alleged that on 25.01.2022 there was a wordy quarrel between them, due to which the petitioner assaulted the defacto complainant and abused her with filthy language. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submits that due to matrimonial dispute, this false case has been foisted as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police by filing counter raised objection stating that investigation is pending. However, he fairly submits that there was a matrimonial dispute between the parties.

5. Submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 323 & 506(i) of IPC. Admittedly, the petitioner and the defacto complainant are husband and wife and there was a matrimonial dispute between them.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, 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 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, Tiruthuraipoondi, 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 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 his photographs and left thumb impression in the surety bond and the Court concerned 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 fifteen (15) days and thereafter, as and when required for investigation.

(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/-

16/02/2022

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,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR.NO.2380

CRL OP.3010/2022

Date :16/02/2022

RW 18/02/2022