



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10690 of 2022

M.MUTHUKUMARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF OLICE,
VIILIANUR POLICE STATION,
PONDICHERRY.
(CRIME NO.120/2022)

[RESPONDENT]

For Petitioner : M/S. B.BALAVIJAYAN Advocate

For Respondent : M/S.SUBATHRA For MR. V.BALAMURUGANE,
Public Prosecutor for Puducherry

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 offence under Sections 294(b), 323, 427, 506 IPC in Crime No.120 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. The case of the prosecution is that on 19.04.2022 the defaco complainant/wife of the petitioner has given complaint to the respondent police alleging that the marriage between the petitioner and the defacto complainant is an intercaste marriage. Due to the misunderstanding between them, there were quarrels and as such she had suffered harassment in the hands of the husband/petitioner. Due to which the defacto complainant/wife lodged a complaint against her husband to the respondent police. On 19.04.2022, the defacto complainant while on her way to All Women Police Station, Villanur,



the accused/husband blocked the defacto complainant near police station and assaulted her and damaged the defacto complainant's two wheeler, scolded her in filthy language and threatened the defacto complainant. Hence, the complaint.

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4. Learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he pleads for grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) submits that the petitioner is the husband of defacto complainant, in connection with family dispute, when both came to a counseling in the police station, the incident had happened. It is further seen that there was no injury caused to the defacto complainant.

6. Taking into the consideration the fact that parties are spouses and the incident had happened in a marital dispute, this Court is of the view that the custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned District Judicial Magistrate III, Puducherry, 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:

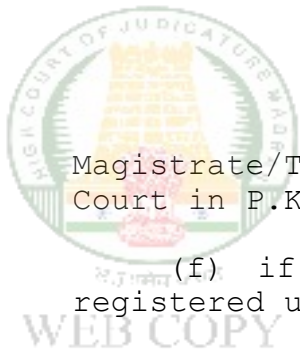
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders;

(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 has 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/-

05/05/2022

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 DISTRICT JUDICIAL MAGISTRATE-III,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLIANUR POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1CC to M/S. B.BALAVIJAYAN Advocate on payment of necessary charges SR.No.6764

CRL OP.10690/2022

Date :05/05/2022

CSK 09/05/2022