



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.3967 of 2022

R.Karthik Raja

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Cantonment AWPS, Trichy,
Trichy District.
(Crime No.27 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Sakthivel.R.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

For Intervener : Mr.K.M.Karunakaran,
Advocate.

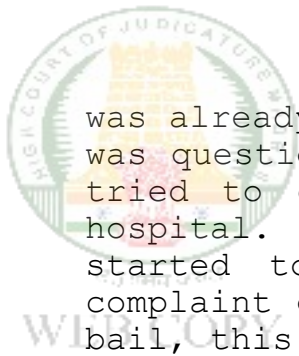
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.27 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b) and 506(1) of I.P.C, in Crime No.27 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a divorcee. She had contact with the petitioner for some time. He also promised to marry her. On 28.06.2020, in the Sivan temple, marriage took place. After that, they were living together. During the joint living, she become pregnant. The petitioner compelled her to abort the child. Later, that child was aborted due to some medical reason. Thereafter, he started to harassing her to bring money etc., Later, she was informed that the petitioner



was already married to some other girl and having a child. When it was questioned, she was harassed and intimidated. Due to which, she tried to commit suicide on 16.10.2021 and she was taken to the hospital. Again, he made a promise to take proper care. But, he started to harassing and irritating her. On the basis of the complaint given by her, a case was registered. Seeking anticipatory bail, this petition came to be filed.

3. By the order dated 24.06.2022, the matter was referred to mediation. But, it could not be settled.

4. The learned counsel for the defacto complainant would submit that jewellery, which belongs to her is in custody of the petitioner. If anticipatory bail is granted to the petitioner, never she can recover the above said jewellery from him. Only on that ground, the matter was referred to mediation.

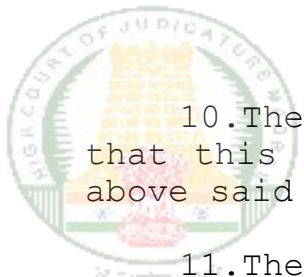
5. When the matter was taken up for hearing on 08.09.2022, this Court directed the petitioner to file an undertaking affidavit that he will deposit a sum of Rs.2.50 lakhs to the credit of crime number before the concerned Court on or before 29.09.2022. As per the order of this Court, the petitioner filed an undertaking affidavit and also deposited the above said amount before the concerned Court on 22.09.2022. To that effect, proof of deposit was also enclosed.

6. The learned counsel for the defacto complainant would submit that she will work out her remedy for recovering jewellery from the petitioner through appropriate proceedings.

7. Since the above said conditional order was complied by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner without going to the merit of the allegation and counter allegation made by the parties.

8. Accordingly, this Criminal Original Petition is **allowed** and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Additional Mahila Court, Trichy, 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 learned Magistrate concerned and the petitioner shall **appear** before the **respondent police daily at 10.30 a.m.** until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.



10.The learned counsel for the defacto complainant would submit that this Court may permit the defacto complainant to withdraw the above said deposited amount of Rs.2.50 lakhs.

11.The learned counsel for the petitioner would submit that permission may be granted without prejudice to the right of the defence that will be taken by the petitioner.

12.The defacto complainant is permitted to withdraw the deposited amount of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) without prejudice to the right of defence that will be taken by the petitioner before the Trial Court.

13.However, it is made clear that the order of withdrawal passed by this Court should not be taken advantage by the defacto complainant during the trial in any proceeding.

sd/-
28/09/2022

/ TRUE COPY /

/10/2022
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 JUDGE,
ADDITIONAL MAHILA COURT, TRICHY.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, CANTONMENT AWPS,
TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10708[I] dated 29/09/2022)

+1 CC to M/s.R.SAKTHIVEL, Advocate (SR-10801[I] dated 30/09/2022)

ORDER
IN
CRL OP(MD) No.3967 of 2022
Date :28/09/2022

DSS

<https://www.mhcb.org.in/> I/17.10.2022/3P/6C