



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

Date : 18/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.4940 of 2022

Raja

... Petitioner/4th Accused

Vs

The State Rep. By,
The Sub Inspector of Police,
All Women Police Station,
Pudukottai District.
(Crime No. 6 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Anandkumar.J.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-

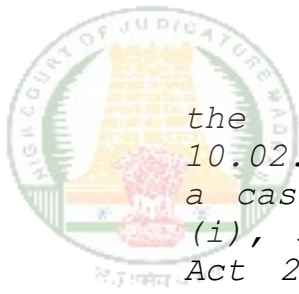
For Anticipatory Bail in Crime No. 6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 498(A), 294(b), 506(i) and 354 r/w Section 9(m) (n) (p) and 10 of POCSO Act, in Crime No.6 of 2022 on the file of the respondent police.

2.The petitioner is arrayed as A4. Without going into other aspects, it is suffice to say that A1 to A3 have been granted anticipatory bail by the concerned Special Court in Crl.M.P.No.191 of 2022. The observation that has been made by the Special Court in paragraph No.5 is sufficient enough to dispose of this petition also. Paragraph No.5 of the said order runs like this:-

"5.As stated supra, the petitioner apprehends arrest in Pudukkottai All Woman Police Station Cr.No.6/2022 under Section 498(A), 506 (i), 354IPC, 9(m), 9(p) read with 10 POCSO (Amendment) Act 2019, 506(i) IPC and seeks for anticipatory bail and it is evident from records that on



the complaint lodged by the defacto complainant 10.02.2022 the All Woman Police, Pudukkotai had registered a case against the petitioners under Section 498(A), 506 (i), 354IPC, 9(m), 9(p) read with 10 of POCSO (Amendment) Act 2019. 506(i) IPC and on perusal of the same it is evident that the same defacto complainant had already lodged a complaint as against the petitioners for the same occurrence dated 13.11.2021 wherein she had stated that the petitioners had assaulted her and had harassed her and had used obscene words and scolded her and an FIR has been registered in Cr.No.1377/2021. Further on perusal of the plaint filed in O.S.22/21 before the family Court it reveals that the husband of the defacto complainant who is second petitioner herein had filed a petition before the family Court for restitution of conjugal rights as early as 20.09.2021 and further on perusal of the plaint in O.S.3/22 the same had been filed before the family Court seeking divorce on 26.02.2022 by the second petitioner herein as against the defacto complainant. The petitioners had filed CD containing the tik tok videos of the defacto complainant also. The second petitioner having filed a divorce petition before the family Court and the same pending adjudication and admittedly the first petitioner and third petitioner running a broiler shop the petitioners are not likely to flee from the investigation and hence in the facts and circumstances of the present case this Court is of the considered view that the petitioners may be granted Anticipatory bail subject to the following conditions:

(i) The petitioners shall make themselves available for interrogation by the police officer as and when required

(ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(iii) The petitioners shall not leave India without the previous permission of the Court

(iv) The petitioners are granted anticipatory bail in Cr.No.6/22 of respondent police for a period of three weeks. Within the above period, the petitioner shall surrender before this Court and move for regular bail. Till disposal of the regular bail, this order will be in force. In the event of his arrest by the respondent- I.O they shall be released on bail executing a self bond for Rs.50,000/- with two sureties for the likesum.

In default of any of the conditions, the investigating officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the petitioners."



3.Considering the aforesaid observation and considering the allegation that has been made against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

4.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Mahila Court, Pudukkottai, 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.

5.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 shall stand dismissed.

sd/-

18/07/2022

/ TRUE COPY /

/08/2022

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,
MAHILA COURT, PUDUKKOTTAI.
2. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-7240[I] dated 18/07/2022)

ORDER

IN

CRL OP(MD) No.4940 of 2022

Date :18/07/2022

MM

USK/VR/SAR-IV/08.08.2022/3P/5C

<https://www.mhc.tn.gov.in/judis>