



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

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.6472 of 2022

Gnanasekaran

... Petitioner/Petitioner/
Accused No.1

Vs

1. The Inspector of Police,
All Women Police Station,
Fort, Trichy City.
(Cr.No.17/2021).

... Respondent/Respondent/
Complainant

2. Divya

... 2nd Respondent

(R2 suo-motu impleaded vide this Court order
dated 07.04.2022 in Crl.OP(MD).6472/2022)

For Petitioner : M/s.Sathya Chidambaram S,
Advocate.

For Respondent 1 : Mr.B.Nambi Selvan,
Government Advocate (Crl.Side)

For Respondent 2 : M/s.M.Benazir Begum, Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.17 of 2021 on the file
of the respondent Police.

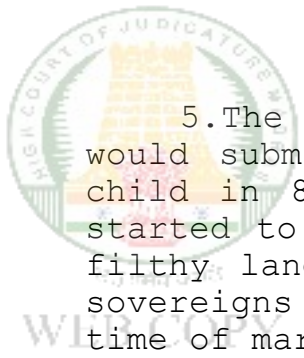
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
294(b) and 506(i) IPC, in Cr.No.17 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial
dispute between the petitioner and the de-facto complainant, due to
which, the petitioner and his family members abused the de-facto
complainant in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution.

4.No doubt, the petitioner along with three others have filed
an application seeking anticipatory bail in Crl.O.P.(MD)No.18319 of
2021 and this Court, vide order dated 02.03.2022, has granted
anticipatory bail to the accused 2 to 4, but dismissed the petition
as against the present petitioner.



5.The learned counsel for the intervenor/de-facto co-plaintiff would submit that since the de-facto complainant gave birth to a child in 8 months, the petitioner had suspected her fidelity and started to harass her, that the petitioner had been abusing her in filthy language and attacked her very often and also demanded 10 sovereigns of jewels, which were allegedly agreed to be given at the time of marriage.

6.The learned Additional Public Prosecutor would submit that since the petitioner had harassed the de-facto complainant continuously and taking note of the serious charges levelled against him, his application was ordered to be dismissed.

7.It is not in dispute that the dispute was earlier referred to mediation, but the same was ended in failure.

8.Considering the above facts and circumstances of the case and also the gravity and seriousness of the offence alleged and also the facts that the investigation is pending as stated by the learned Additional Public Prosecutor and that there is no change in circumstances, since the dismissal of the earlier application, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

9.In the result, this Criminal Original Petition is dismissed.

sd/-

27/07/2022

/ 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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, FORT, TRICHY CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.6472 of 2022
Date :27/07/2022

SA/PN/SAR.1/02.08.2022/2P/3C

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