



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

Date : 04/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6194 of 2022

Ajmal Khan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Gudalur South Police Station,
Theni District
(Crime No.159 of 2018)

... Respondent/Complainant

For Petitioner : MR.B.Fazil Kirmani,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.159 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) and 494 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.159 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the parties, the petitioner abused the de-facto complainant in filthy language and attacked her and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) would submit that the investigation has already been completed and the charge sheet has already been filed before the Jurisdictional Magistrate and the

<https://www.mca21.com/> services provided on file.



5.As already pointed out by the learned Government Advocate (Crl. side), the FIR came to be registered in the year 2018.

6.Considering the facts that there existed matrimonial dispute between the parties, that except the offence under Section 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature and also the fact that investigation has already been completed and the charge sheet has already been filed before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b)the petitioner shall report before the concerned Court daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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/-

04/04/2022

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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 JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GUDALUR SOUTH POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6194 of 2022
Date :04/04/2022

SJI
MK/PN/SAR.III/11.04.2022/3P/5C