



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9487 of 2022

Ramaraj,

... Petitioner/2nd Accused

Vs

1. State Rep.by

The Inspector of Police,
All Women Police Station,
Fort,Trichy City,
Crime No. 8 of 2022.

...Respondent/Complainant

2. Br.Naveen Nisha,

...2nd Respondent

(R2 Suo Motu Impleaded as Per Order of
this Hon'ble Court Dated 23.06.2022 in
Crl OP.(MD).No.9487/2022 Gij).

For Petitioner : Mr.T.Lenin Kumar, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 498
(A) and 406 IPC in Crime.No.8 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to the matrimonial
dispute between A1 and the defacto complainant, without informing to
the defacto complainant A1 went to abroad and gave a power of
attorney to the petitioner herein / A2, who is the paternal uncle of
him. Further, when the petitioner was called for enquiry by the
respondent police, both A2 and A3 promised to take her back to



matrimonial home, but, A1 has filed a divorce petition. He has filed a complaint.

3. The learned counsel for the petitioner would submit that the petitioner is only neighbour of A1 and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute between the husband and wife and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact the petitioner is only paternal uncle of A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 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 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 appear before the respondent Police daily at 10.30 am until further orders.

(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;



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CRL OP(MD).



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2022

/ TRUE COPY /

/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER
IN
CRL OP(MD) No.9487 of 2022
Date : 28/10/2022

trp
PKP/GB/SAR-4/08.11.2022/3P/4C