



WEB COPY

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

Date : 14/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9843 of 2022

R.Meena

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur.
(Crime No.25 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Punithan T.A., Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

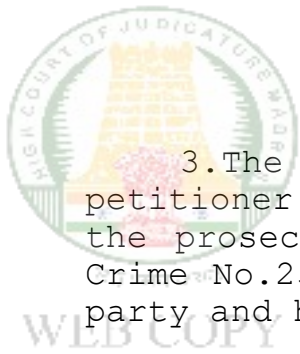
PRAYER :-

For Anticipatory bail in Crime No.25 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.25 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the de-facto complainant. The first accused was having illicit relationship with one Meena, therefore, the de-facto complainant is living separately. On the date of occurrence, the de-facto complainant went to the first accused's hospital and asked for their house key, A1 abused the de-facto complainant in filthy language and attacked the de-facto complainant and his family members. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the counter case in Crime No.25 of 2022 is pending against the de-facto complainant and party and hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured was discharged from the hospital.

5.Considering the fact that there existed matrimonial dispute between the first accused and the de-facto complainant and also the facts that the injured was already discharged from the hospital, that the counter case in Crime No.25 of 2022 is pending against the de-facto complainant and party and that except the offence under Section 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, but 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 learned Additional Mahila Court, Thanjavur, 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 Mahila Court 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 Mahila Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police 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 Mahila Court/ 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 Mahila Court/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.

WEB COPY

/ TRUE COPY /

Sd/-
14/06/2022

20/06/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT, THANJAVUR.
2. THE INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION, THANJAVUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PUNITHAN T.A. Advocate SR.No.5564

ORDER
IN
CRL OP(MD) No.9843 of 2022
Date :14/06/2022

SP/SVR/SAR IV/20/06/2022/3P/5C