



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.06.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10689 of 2022

Prasath ...Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
AWPS Musiri
Trichy District.
Crime No.8 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.Vivek Kumar
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.8 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 294(b), 506(i), 494 and 109 IPC, in Crime No.8 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused had taken place on 12.03.2014. Due to the wedlock, the defacto complainant and the first accused had two children viz., Nikil and Nithish. For the past three years, the first accused had not come to the house of the defacto complainant and taken care of her and her two children. He had not even paid any amount for their maintenance. When she questioned as to why he has not come to the house and has not taken care of her and her children, he scolded her in filthy language and he also stated that he thought of marrying the sister of the defacto complainant viz., Meena and he was forced to marry the defacto complainant. He told her if she wants to live happily, she should



help him to marry Meena, else, he would kill her and children. When she refused to accede his demand, he criminally intimidated and left. Later, the defacto complainant came to know that the first accused had married Meena on 12.11.2020. Now, Meena is in family way. Again, the first accused threatened the defacto complainant to give consent for divorce and he threatened to kill her. He also filed O.P.No.101 of 2020, on the file of Kulithalai Sub Court, seeking divorce, by giving false reasons. Therefore, this case came to be registered.

3. This is the third anticipatory bail petition. Considering the nature of allegations levelled against the petitioner, this Court dismissed the earlier anticipatory bail petitions on 24.06.2021 and 04.08.2021.

4. The learned counsel appearing for the petitioner submits that on his advice, the petitioner has agreed to pay a sum of Rs.7,000/- (Rupees Seven Thousand only) as an interim maintenance to the defacto complainant and her children, without prejudice to his defence in the case to be filed by the defacto complainant. The petitioner has also filed an undertaking affidavit to that effect.

5. Considering the nature of allegations levelled against the petitioner and also considering the undertaking affidavit filed by him that he will pay a sum of Rs.7,000/- as an interim maintenance to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required for interrogation;

[c] the petitioner shall pay a sum of Rs.7,000/- Rupees seven thousand only) per month towards interim maintenance to the defacto complainant and her childre.

[d]the petitioner shall not tamper with the evidence or witness
<https://hcservices.courtsgov.in/hcservices/> during investigation or trial;



[e]the petitioner shall not abscond either during investigation or trial;

[f]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

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/06/2022

/ TRUE COPY /

29/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE, MUSIRI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
AWPS MUSIRI
TRICHY DISTRICT. (1 COPY)
(SEND 1 COPY TO DEFACTO COMPLAINANT AS PER THE ORDER)

BHUVANESWARI,
NO.8/22, PERAMUR COLONY,
AYYAMPALAYAM POST,
MUSIRI TALUK,
TRICHY DISTRICT.

(DEFACTO COMPLAINANT,THROUGH THE RESPONDENT POLICE) (1 COPY)

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VIVEK KUMAR M Advocate SR.No.5942
ORDER
IN
CRL OP(MD) No.10689 of 2022
Date :22/06/2022