



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

Date : 23/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.11152 of 2022

C.Kalaiyarasan @ Kalaiyarasu

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.
(Crime No. 177 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Aayiram K.Selvakumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

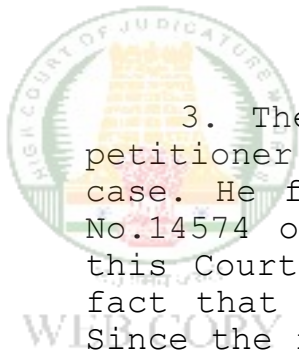
PRAYER :-

For Anticipatory Bail in Crime No. 177 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323, 324 and 307 of I.P.C, in Crime No.177 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that originally the wife of the petitioner namely, Nagarani was married to the husband of the defacto complainant 25 years back. After getting divorce, the above said Nagarani married the petitioner and settled in Singapore. Later, trouble arose between the parties regarding the return of 15 sovereigns of gold jewel and cash amount of Rs.2 lakhs. The defacto complainant and her husband alleged to have demanded the above said jewel and cash. Over which, trouble has been arisen. The petitioner along with his brother, who is the first accused said to have abused the defacto complainant and her husband in filthy language and also threatened them with dire consequence. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the first accused moved CrI.OP(MD) No.14574 of 2020 for anticipatory bail and that was also given by this Court, by the order, dated 11.12.2020 because of the admitted fact that the petitioner was in abroad at the time of occurrence. Since the first accused has been granted anticipatory bail, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that husband of the defacto complainant married one Nagarani 25 years back. Due to some misunderstanding, they got divorce. After getting divorce, the above said Nagarani married the petitioner herein and settled in Singapore. The trouble has arisen between the wife of the petitioner and the husband of the defacto complainant with regard to the return of 15 sovereigns of gold jewel and cash amount of Rs.2 lakhs. Due to which, the petitioner along with other accused said to have abused the defacto complainant and her husband in filthy language and threatened them with dire consequence. He would further submit that co-accused was released on bail by this Court and no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused was already released on bail and no bad antecedents are reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Court, Thirupathur, Sivagangai District, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/06/2022

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11152 of 2022
Date :23/06/2022

DSS
USK/PN/SAR-I/29.06.2022/3P/5C