



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

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.12265 of 2022

WEB COPY

Mathiyazhagan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Karur.

Crime No.33 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Vishnu.V,
Advocate
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

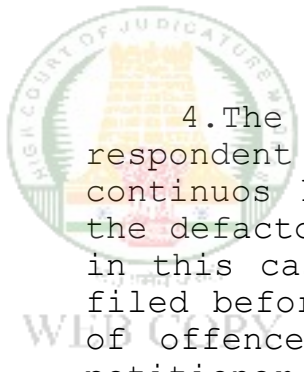
For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A), 406, 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.33 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 01.11.2017. After marriage, there is some dispute arose between them and also the petitioner harassed the defacto complainant, threatened her and driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioner, a false case has been foisted against him. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.



4.The learned Government Advocate (crl.side) appearing re respondent police would submit it is a matrimonial dispute. Due to continuous harassment of the accused, this complaint was lodged by the defacto complainant. She would further submit that investigation in this case has been completed and the charge sheet has also been filed before the concerned Court. However, considering the gravity of offence, she opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the it is a matrimonial dispute and that investigation has been completed and the charge sheet has also been filed before the concerned Court, 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 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 No.I, Karur, 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 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 the concerned trial Court on each and every hearing without fail.

[c]the petitioner shall not tamper with the 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]**.

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

sd/-

24/11/2022

/ TRUE COPY /

/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12265 of 2022
Date :24/11/2022

cp
USK/BUC/SAR-IV/07.12.2022/3P/5C