



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

Date : 01.03.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17462 of 2021

Sivakumar

... Petitioner/Accused No.1

Vs

The State of Tamilnadu, represented by
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
(Crime No.9 of 2021)

... Respondent/Complainant

Kamatchi

... Petitioner/Defacto Complainant
IN Crl MP(MD) No.1729 of 2022

For Petitioner : Mr.R.Mohanasundaram, Advocate.

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

For Intervenor : Mr.V.Karuna, Advocate.
for M/s.R.Yamuna, Advocate

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

PRAYER :-For Anticipatory Bail in Crime No.9 of 2021 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 294 (b), 406, 417, 494, 498(A) and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and the petitioner had illicit affair with the fourth accused and had harassed the defacto complainant continuously. Hence, the complaint.

3.When the matter was taken up for hearing on 11.11.2021, on considering the representation made by the learned counsel for the petitioner as well as the nature of dispute, this Court has referred the matter to mediation and after mediation, mediation report has been received stating that the mediation was ended in failure.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5.The learned counsel for the intervenor would submit that the petitioner had illicit affair with the fourth accused and had been harassing the defacto complainant continuously and he has also produced the copy of the photos.

6.No doubt, the marriage between the petitioner and the defacto complainant was solemnized on 26.03.2018 and due to wedlock, they have been blessed with one male child.

7.The learned counsel for the intervenor would further submit that the male child is with the defacto complainant and the petitioner is not taking care of the defacto complainant and her child.

8.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is pending.

9.Considering the seriousness and gravity of the offence alleged and also the fact that investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

10.In the result, this Criminal Original Petition is dismissed.

sd/-

01/03/2022

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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 INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIRANGAM, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17462 of 2021

Date :01/03/2022

CSM

<https://hmcjvce.org.in/Services/03.2022/2P/3C>