



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

Date : 14/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17532 of 2021

WEB COPY

G.Nagarajan ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai District.
(Cr.No. 2 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian K.S.,
Advocate.

For Respondent : M/s.M.Aasha,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Balakrishnan
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A) of IPC, in Crime No.2 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 the husband and wife. She filed a petition in D.V.C.No.3 of 2016 before the learned Judicial Magistrate No.I, Pudukottai, seeking maintenance. That petition was allowed on 20.02.2019 and the learned Magistrate awarded a sum of Rs.3,000/- to the wife, awarded a sum of Rs.1,500/- to the child and awarded a sum of Rs.25,000/- towards medical and celebration expenses for the child from the date of petition. All the respondents in D.V.C.No.3 of 2016 were released from the charges of Domestic Violence Act. In view of the above order, the petitioner has to pay Rs.2,46,000/- to the defacto complainant and child. But, the petitioner did not pay any amount to the defacto complainant. Hence, the defacto complainant filed a petition in Crl.MP.No.19 of 2019 in D.V.C.No.3 of 2016 seeking payment of Rs.2,46,000/- from the petitioner. That



petition was allowed on 07.02.2020 and the learned Magistrate, directed the petitioner to pay the above said amount within a period of 1 month from the date of issuance of the order. Further, directed the All Women Inspector, Pudukottai, to register the case under Section 31 of Domestic Violence Act and 498(A) of IPC if he fails to pay the amount. Aggrieved against the same, the petitioner filed a revision petition before the learned Principal District & Sessions Judge, Pudukottai. That petition was converted into Criminal Appeal.No.2 of 2021 and the same was partly allowed on 31.10.2021 by ordering a sum of Rs.3,000/- to the defacto complainant, enhancing the maintenance amount from Rs.1500/- to Rs.3,000/- and set aside the amount of Rs.25,000/- ordered by the learned Judicial Magistrate No.I, Pudukottai, towards medical and celebration expenses for the child. But, the petitioner was not in a position to pay maintenance amount as well as the arrears amount. Because, he lost his job due to the police complaint and the Court case. Because of non-payment, the respondent police registered a case against the petitioner as per the order of the learned Judicial Magistrate No.I, Pudukottai. Seeking anticipatory bail, this petition came to be filed by the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that now, the petitioner is ready to pay the arrears amount within a period of 14 days. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has not complied the order passed by the learned Principal District & Sessions Judge, Pudukottai. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Since the petitioner has not complied the order passed in Criminal Appeal.No.2 of 2021 on the file of the learned Principal District & Sessions Judge, Pudukottai, dated 31.10.2021, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

14/11/2022

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

DSS

<https://www.mhc.tn.gov.in/judis>



Note : In view of the present lock down owing to COVID-19, 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.

WEB COPY

1. The Inspector of Police,
All Women Police Station, Pudukottai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-13026[I] dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.17532 of 2021

Date :14/11/2022

RD/SSS/SAR-III(24/11/2022) 3P 4C