



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17809 of 2022

Thiyagarajan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
Cr.No.22/2022.

... Respondent/Complainant

For Petitioner : M/s.Mariappan.G, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.22/2022 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 alleged offences punishable under Sections 294(b), 494, 498(A), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.22 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the defacto complainant and the first accused during 2002 and they were separated. When the defacto complainant came to know that the second accused is said to have married with the first accused during February 2017, she quarrelled the accused persons and she was criminally intimidated by A1 to A7. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the other accused persons are released on bail.



4.The learned Government Advocate(Crl.side) appearing before the respondent police submitted that the marriage between the first accused and the defacto complainant was solemnized in the year 2002. The marital relationship appears to have come under strain. The first accused therefore filed a petition in O.S.No.289 of 2002 before the Additional District Munsif, Srivilliputhur to declare that the defacto complainant is not a legally wedded wife. The petition was dismissed on 28.06.2007. Aggrieved by the same, the first accused filed A.S.No.75 of 2007 on the file of the Sub Court, Srivilliputhur and the same is still pending.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Magistrate Level) at Srivilliputhur, 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 the respondent police on every Wednesday at 10.30 a.m., for a period of twelve weeks.

[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]**.

sd/-

06/10/2022

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



TO

1 THE JUDGE, ADDITIONAL MAHILA COURT,
(MAGISTRATE LEVEL) AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-10988[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17809 of 2022

Date :06/10/2022

rmi

RS/VR/SAR.1(11.10.2022) 3P-5C