



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19831 of 2021

Karthikeyan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
Crime No.31 of 2021.

... Respondent/Complainant

For Petitioner : MR.NARAYANAN.R.
Advocate.

For Respondent : MR.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.31 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 offence punishable under Sections 498 A and 406 IPC, in Crime No.31 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was matrimonial dispute between the petitioner and the defacto complainant, due to which, the petitioner abused the defacto complainant in filthy language and threatened her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the matter was referred to Mediation, that the defacto complainant has not appeared before the Mediator and that she has refused for re-union.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the matter was referred to the Social Welfare Officer and there also the petitioner has not agreed for re-union, the matter could not be settled.



5.It is not in dispute that this Court has already granted anticipatory bail to the accused 2 to 4 vide order dated 18.01.2022, in Crl.OP(MD)No.16208 of 2021. It is also not in dispute that the petitioner has already filed a petition in H.M.O.P.No.347 of 2021, seeking restitution of conjugal rights and that since the defacto complainant has not turned up, ex-parte order was passed on 26.02.2022

6.Considering facts and circumstances of the case and also the facts that the accused 2 to 4 were already granted anticipatory bail and that the custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.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 Additional Mahila Court Judicial Magistrate Level, Madurai, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

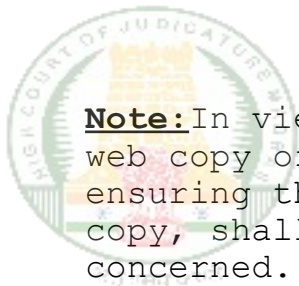
sd/-

15/03/2022

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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.

WEB COPY

TO

1 THE ADDITIONAL MAHILA JUDGE / JUDICIAL MAGISTRATE LEVEL,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY.

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

+1 CC to M/s.R.NARAYANAN, Advocate (SR-2088[I] dated 16/03/2022)

ORDER

IN

CRL OP(MD) No.19831 of 2021

Date :15/03/2022

RS/SVR/SAR.1/25.03.2022/3P/6C