



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

Date : 09/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19340 of 2022

K.Sathish Kumar

... Petitioner/Sole Accused

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Contonment Police Station,
Trichy.
(Crime No.01/2022) .

... Respondent/Complainant

2. R.Bavapriya

... 2nd Respondent/De-facto
Complainant

For Petitioner : M/s.Karunakaran K.M., Advocate
for M/s.G.Karnan, Advocate

For 1st Respondent : Mr.E. Antony Sahaya Prabhar,
Additional Public Prosecutor

For 2nd Respondent : Mrs.T.Banumathy, Advocate

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

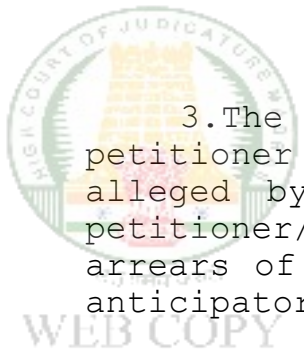
PRAYER :-

For Anticipatory Bail in Crime No.01/2022 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
498(A), 294(b) and 406 IPC in Crime No.1 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and the
de-facto complainant are the husband and wife and they are having
two children. Since the petitioner harassed the defacto complainant,
she separated from from her husband and went to her parental home.
Hence, the complaint.



3.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. He would further submit that the petitioner/husband is ready to pay the maintenance amount along with arrears of maintenance to their minor children. Hence, he prays for anticipatory bail to this petitioner.

4.The learned Additional Public Prosecutor would submit that in this case, investigation is completed and the charge sheet is also filed. Considering the nature of allegation, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the fact that the investigation is completed and the charge sheet is also filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit arrears of maintenance and shall pay a sum of **Rs.10,000/- each per month to the children for their maintenance** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Additional Mahila Court, Trichy.

7.On production of such receipt, 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, Trichy, 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 Special court/concerned court 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 until further orders.

(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 Special Court/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 Special Court/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 registered under Section 229-A IPC.

Sd/-

09/11/2022

05.12.2022

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

This Petition had been filed to modify the condition in Para No.(b) of the order, dated 09.11.2022 in CrI.O.P(MD)No.19340 of 2022.

2.This Court by order, dated 09.11.2022 in CrI.O.P.(MD)No.19340 of 2022 granted anticipatory bail to the Petitioner with conditions.

3.The learned Counsel for the Petitioner would submit that the Petitioner is a Lecturer and he had faced some difficulty in appearing before the respondent Police daily at 10.30 am and hence, he seeks to modify the conditional order, dated 09.11.2022 in CrI.O.P(MD)No.19340 of 2022.

4.The learned Counsel for the Petitioner would further submit that this Court had directed the Petitioner to deposit a sum of Rs.10,000/- each per month to the maintenance of the children of de-facto complainant. However, the de-facto complainant had not furnished the bank account details to the Petitioner till date, thereby, the Petitioner is unable to comply with the condition imposed by this Court.

4.Considering the submissions made by the learned Counsel for the Petitioner, the order passed by this Court, dated 09.11.2022 is modified and the Petitioner is directed to appear before the respondent Police daily at 07.30 pm until further orders. Accordingly, this Petition is partly allowed and the time is extended for a period of two weeks for complying with the order of this Court, dated 09.11.2022.

5.The learned Government Advocate (CrI.side) is directed to ensure the appearance of the De-Facto Complainant before this Court on 09.12.2022.

6.Post the matter on 09.12.2022.

Sd/-

05/12/2022

/ TRUE COPY /

05/12/2022

Sub-Assistant Registrar (C.S.IV)
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 JUDGE, ADDITIONAL MAHILA COURT,
TRICHY.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-
CANTONMENT POLICE STATION,
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KARUNAKARAN K.M. Advocate SR.No.14335 (I), DATED :
05.12.2022.

ORDER
IN
CRL OP(MD) No.19340 of 2022
Date : 09/11/2022

SP/BUC/SAR IV/18/11/2022/3P/6C
cmr
USK/VR/SAR-IV/05.12.2022/4P/5C