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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19186 of 2022

Balasubramaniyan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.12 of 2022

... Respondent/Complainant

For Petitioner : M/s. Vasanthan.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 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 offences punishable under Sections 498(A) and 406 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner was working in abroad, the defacto complainant, who is differently abled person, developed the friendship with him through online. After arriving from the abroad to India, on compulsion, the petitioner married the defacto complainant on 12.03.2021 at the defacto complainant's house in the presence of her relatives. Subsequently, she came to know that the petitioner got already married another girl on 18.03.2018. Thereafter, the petitioner abused the defacto complainant about her disabling body. The petitioner had also taken 10 sovereigns of gold jewels and 8 lakhs from the defacto complainant



and created various accounts in internet and sent a obscene message to the defacto complainant and her family. Hence, the complaint.

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 the petitioner has not committed any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the defacto complainant is the physically challenged person. The petitioner has already married another girl on 18.03.2018. By suppressing the said fact, the petitioner married the defacto complainant and also harassed her. She would further submit that in this case, till now six witnesses were examined and investigation is almost over.

5. Considering the facts and circumstances and also considering the facts that the six official witnesses were examined and the investigation is almost over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Judicial Magistrate No.II, Virudhunagar, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

CP

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.VASANTHAN, Advocate (SR-12131[I] dated 31/10/2022)

ORDER
IN
CRL OP(MD) No.19186 of 2022
Date :31/10/2022

RK/SSS/SAR-2 (08/11/2022) 3P/6C