



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20984 of 2021

G.J.Prasanna Venkatesh ... Petitioner/Accused No.1
Vs

The State rep.by
The Inspector of Police,
All Women's Police Station,
Thanjavur District.
Cr.No. 11 of 2021. ... Respondent/Complainant

B.Janani ... Petitioner/Intervener
IN CRL.MP(MD).131/2022 IN
CRL.OP(MD).20984/2021

For Petitioner : M/s.Arunprasad A,
Advocate.

For Respondent : Mr.Muthumanikkam,
Counsel for Government of Tamil Nadu(Crl.side)

For Intervenor : Mr.A.Azhagesan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.11 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), 406 and 506(ii) IPC, in Crime No.11 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 petitioner has handed over all the articles, has given by the defacto complainant.



4.The learned counsel for the Intervenor/defacto complainant would submit that the defacto complainant has received the articles.

5.It is not in dispute that the matter was referred to Mediation earlier. Today, the Mediation report has been received that the Mediation ended in failure. It is also not in dispute that the in-laws of the defacto complainant were already granted anticipatory bail by the Principal Sessions Court, Thanjavur vide order dated 15.12.2021, in Crl.M.P.No.4325/2021.

6.Considering facts and circumstances of the case and also the facts that the co-accused were already granted anticipatory bail and that the custodial interrogation of the petitioner is not necessary and that the petitioner is not having any bad antecedents, 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, Thanjavur, 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/-

11/04/2022

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/ /2022

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.

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
THANJAVUR
- 2 THE INSPECTOR OF POLICE
ALL WOMEN'S POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20984 of 2021

Date : 11/04/2022

SA/PN/SAR.4/19.04.2022/3P/4C