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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21096 of 2022

Gopal,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District.
(Crime No.39 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Venkateshwar P, 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.39 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 498(A) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.39 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 18.11.2010. After marriage, the accused persons harassed the defacto complainant physically and mentally and threatened her with dire consequences. Under these circumstances, the first accused driven away the defacto complainant to her parent home. Hence, the



3.The learned counsel for the petitioner would submit that the petitioner is the father-in-law of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioner, this false case has been foisted against him. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the co-accused were already granted anticipatory bail. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(crl.Side) would submit that it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioner. Further, investigation in this case is not yet completed. Hence, she opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that it is a matrimonial dispute, the petitioner is father-in-law of the defacto complainant and co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain condition.

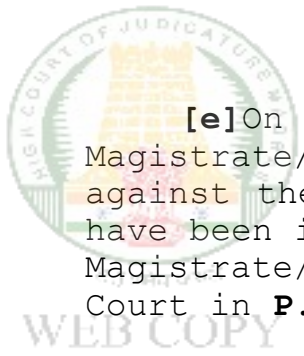
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, on condition that the petitioner shall execute a bond for a sum 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 Supreme 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.

sd/-
29/11/2022

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, LALGUDI,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21096 of 2022
Date :29/11/2022

cp
PKP/SSS/SAR-4/15.12.2022/3P/5C