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CRL OP(MD). No.21



nd

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

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

CRL OP(MD). No.21408 of 2022 and

Kavitha ... Petitioner/Accused No.2

Vs

1.The State Rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai District, Pudukottai..

... Respondent/Complainant

2. Poongudi

... Respondent/ Defacto-Complainant

For Petitioner : M/s.Bethanasamy C,
Advocate.

For Respondent : Mr.A. Albert James,
Government Advocate (Crl.Side)

For Intervenor : M/s.Rameshkumar D, Advocate

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

PRAYER :-

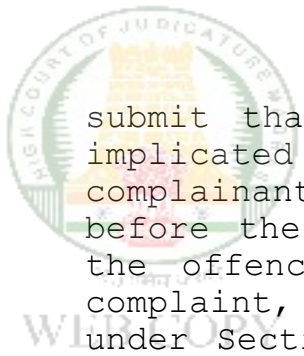
For Anticipatory Bail in Crime No.22/2022 on the file of the Respondent Police.

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 294(b), 494, 498(A) IPC and Section 4 of TNPWH Act in Crime No.22 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused is the husband of defacto complainant, after the marriage, she came to know that he has married A2 without her knowledge. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis> The learned counsel appearing for the petitioner would



submit that the petitioner is innocent and she has been implicated in this case. He would further submit that the defacto complainant has given a private complaint against the petitioner before the Mahila Court, Pudukottai in Crl.M.P.No.156 of 2022 for the offence under Section 494 IPC. Suppressing the above said complaint, again she has given a complaint against the petitioner under Section 494 IPC, based on which, a case has been registered against the petitioner and thereby, seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the 2nd wife of A1 and the A1 had married her suppressing the earlier marriage with the defacto complainant and hence, he opposes to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor submitted that the petitioner knowing well that the first accused is a married man, she had married him 2nd time and hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **(*)Additional Mahil Court, Pudukottai** 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., for a period of two weeks 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 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 229A IPC.

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12/12/2022

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).558/2023 in CRL OP (MD).21408/2022 dated 11.01.2023.

Time granted by this Court to comply with the condition imposed vide order dated 12.12.2022 in Crl.O.P.(MD)No.21408 of 2022 is extended for a period of two weeks from the date of receipt of amended copy of this order.

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/02/2023

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

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 12.12.2022

1. Addtional Mahila Court, Pudukottai.
2. The Judicial Magistrate No.I, Pudukottai.
3. -do-Through The Chief Judicial Magistrate, Pudukottai.
4. The Inspector of Police,
All Women Police Station, Pudukottai
District, Pudukottai..
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.BETHANA SAMY C Advocate SR.No593(I)

ORDER

IN

CRL OP(MD) No.21408 of 2022

Date :12/12/2022