



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

Date : 08/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21565 of 2022

V.Udhyakumar

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
AWPS Police Station-Thiruvadanai,
Ramanathapuram District.
(Crime No.15/2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Cr No.15/2022 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 506(i) IPC in Crime No. 15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she is the wife of the petitioner herein and they got married 20 years ago and the petitioner has harassed the defacto complainant from the date of marriage and also abused her in filthy language and hence, she is living with his brother along with her daughter for so many years. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit due to the matrimonial dispute both the petitioner and the defacto complainant are living separately for the past so many years



and the son is living with the petitioner and the daughter . ig with the defacto complainant. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that both the accused and the defacto complainant are husband and wife. Due to the matrimonial dispute both of them are living separately for the past so many years and the son is living with the petitioner and the daughter is living with the defacto complainant and the daughter is studying Law Degree. He would further submit that the petitioner trespassed into the house of the defacto complainant and attempted to stabbed his wife with knife and also taken away 15 sovereigns of jewels from the defacto complainant's house and that already one case was registered against the petitioner in Crime No.106 of 2022 and that he was remanded to judicial custody on 19.11.2022 and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that it is a case of matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

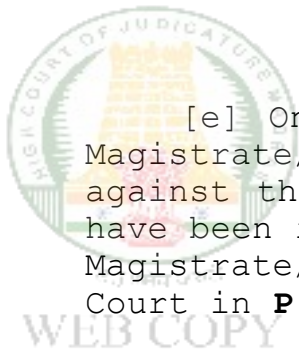
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvadanai on condition that the petitioner shall execute a bond for 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 Inspector of Police, Town Police Station, Ramanathapuram daily at 10.30 am until further orders. Further, the petitioner shall not enter into the jurisdiction limits of the defacto complainant;

[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]**.

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

sd/-
08/12/2022

/ TRUE COPY /

08/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
AWPS POLICE STATION THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
4. THE OFFICER-INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMANATHAPURAM.

+1 CC to M/s.M.GURUDAS, Advocate (SR-14555[I] dated 08/12/2022)

ORDER
IN
CRL OP(MD) No.21565 of 2022
Date :08/12/2022

trp
USK/VR/SAR-II/08.12.2022/3P/8C