



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.21572 of 2022

V.Udhayakumar

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.106 of 2022).

... Respondent/Complainant

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

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

For intervenor : Mr.K.Ragatheesh Kumar, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.106 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 19.11.2022 for the offence punishable under Sections 446, 294(b), 323, 324, 506(2) and 379 IPC u/s. 4 of TN Prohibition of Harassment of Women Act in Crime No. 106 of 2022 on the file of the respondent police, seeks 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. Due to the continuous harassment, she is living with her brother along with her daughter. While so, on 18.11.2022, the petitioner had trespassed into the house of the defacto complainant and due to which, there was a wordy quarrel between them and that the accused attempted to stab his wife with knife and at that time, her daughter tried to prevent her mother and she has also sustained injuries in the left thumb. Further



allegation is that when the alarm was raised and the neighbor came to the place, the petitioner had taken 15 sovereigns of jewels from the house and ran away from the place of occurrence. 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 is living with the defacto complainant. He would further submit that the petitioner is innocent and he went to the defacto complainant's house only to see his daughter and he has not committed any offence as alleged by the prosecution and he is in custody from 19.11.2022 and seeks 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 defacto complainant's daughter is studying Law Degree. He would further submit that the petitioner trespassed into the house of the defacto complainant and attempted to stab his wife with knife and has also caused injuries to both the defacto complainant and daughter and also taken away 15 sovereigns of jewels from the defacto complainant's house and hence, he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 19.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

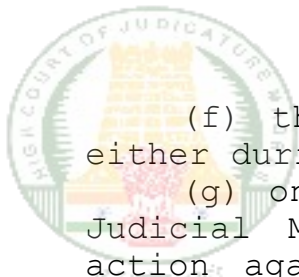
(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ilayangudi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) 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 of the respondent police until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;



(f) the petitioner shall not tamper with evidence or either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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08/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE, ILAYANGUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISION/SUB JAIL,
RAMANATHAPRUAM DISTRICT.
4. THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
TOWN POLIE STATION,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.M.GURUDAS, Advocate (SR-14556[I] dated 08/12/2022)

ORDER

IN

CRL OP(MD) No.21572 of 2022

Date :08/12/2022

TRP

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

<https://www.mhc.tn.gov.in/judis>