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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.742 of 2023

Marimuthu

... Petitioner/Sole Accused

Vs

The State rep.by,.
The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
(Crime No.2 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Suresh Kannan.C,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) I.P.C and Section 4 of TNPHW Act, 2002, in Crime No.2 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to matrimonial dispute between the parties, on 30.12.2022, the petitioner/husband abused the defacto complainant/wife and her child with filthy language, assaulted her with a log and stone and also criminally intimidated with her.

<https://www.tn.gov.in/cases>



Hence, the complaint.

3. The learned counsel for the petitioner submitted that there was a matrimonial dispute between the parties, over which, a false complaint has been foisted against him. The injured has been discharged from the hospital. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that there was a matrimonial dispute between the husband and wife, over which, the alleged occurrence took place. In this case, the injured has been discharged from the hospital and the investigation is not yet completed. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Ottapidaram, Thoothukudi District**, 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., 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]**; and;



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

sd/-

11/01/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTATE,
OTTAPIDARAM,
THOOTHUKUDI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT

+1. CC to M/S.SURESH KANNAN.C Advocate SR.No.626(I)

ORDER

IN

CRL OP(MD) No.742 of 2023

Date :11/01/2023

VA/BUC/SAR-I/23.01.2023/3P/5C