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

Date : 15/02/2023

PRESENT

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

CRL OP(MD) . No.2978 of 2023

Sriram Prabhu,

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
E-5, Mattuthavani Police Station,
Madurai City.
(Crime No.321/2022).

... Respondent/Complainant

For Petitioner : M. Mohamed Riyaz,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

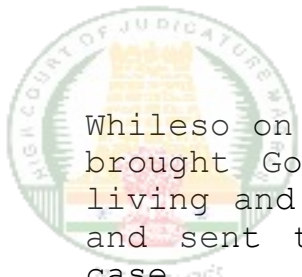
PRAYER :-

For Anticipatory Bail in Crime No.321/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b)
and 506(ii) of I.P.C., in Crime No.321 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant
Divya, is that she is working as an Assistant Manager in Kotak
Mahindra, Madurai. The petitioner had already married two women and
suppressing the same, he had taken the de-facto complainant to
Ginger Hotel in Chennai and had raped her and later, refused to
marry her and in respect of that, the defacto complainant had
earlier given a complaint to the Vadapalani W-27 Police Station.



While so on 25.06.2022, the petitioner and his friend Magasulunga had brought Goondas to the place, where, the defacto complainant was living and had threatened her and had taken videographs of the area and sent the video to his friend and threatened her. Hence, the case.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that earlier the defacto complainant had given a false complaint against the petitioner before W-27 AWPS, Vadapalani and a case in Crime No.7 of 2022 was registered by them. In that crime number, the petitioner had approached the Madras High court in Crl.O.P.No.11487 of 2022 and the Principal Seat of Madras High Court, has granted anticipatory bail to the petitioner on 18.05.2022 and antagonised by the same, the defacto complainant has given the present complaint before the respondent police. He would further submit that there are several disputes pending between the parties.

4.The learned Government Advocate (Crl. side) would submit that the petitioner had threatened the de-facto complainant and he has also taken videographs of the area and send it to his friend in a mobile phone.

5.Heard. Perused the materials available on record including the First Information Report.

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

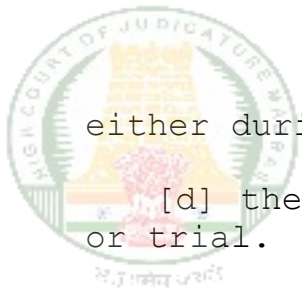
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a bond for 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, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

[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/-

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/03/2023

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

1THE JUDICIAL MAGISTRATE NO.VI,MADURAI.

2DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI
DISTRICT.

3 THE INSPECTOR OF POLICE

E-5, MATTUTHAVANI POLICE STATION, MADURAI
CITY.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M. MOHAMED RIYAZ Advocate SR.No.2330

ORDER

IN

CRL OP(MD) No.2978 of 2023

Date :15/02/2023

MGJ/VA/BUC/SAR I/01/03/2023/3P/6C