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

Date : 21/02/2023

PRESENT

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

CRL OP(MD) . No.3293 of 2023

Senthilkumar

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.159 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Angusamy.V

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.159 of 2022 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 448, 294(b), 323, 506(i) I.P.C r/w Section 4 of TNPHW Act, 2002, in Crime No.159 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 due to matrimonial dispute between the parties, on 27.11.2022, the petitioner/husband and his mother/A2 trespassed into her house, assaulted her with hands and abused with filthy language and also criminally intimidated her. 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, though the injured has been discharged from the hospital, 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, considering the matrimonial dispute between the parties 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, Rajapalayam**, 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 two weeks, thereafter, as and when required for interrogation;

[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/-

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

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.ANGUSAMY.V Advocate SR.No.2805

ORDER

IN

CRL OP (MD) No.3293 of 2023

Date : 21/02/2023

MGJ/MMS/SAR 2/27/02/2023/3P/6C