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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

PRESENT

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

CRL OP(MD) . No.3515 of 2023

Mahasuritha

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
E5 Mattuthavani Police Station,
Madurai City.
(Crime No.321/2022).

... Respondent/Complainant

For Petitioner : MR.S.Mohamed Abbas,
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

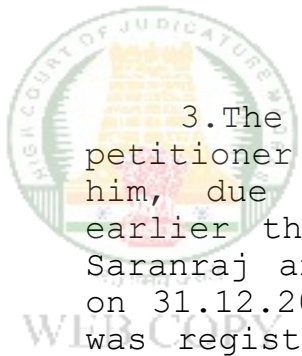
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(i) 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. Whiles on 25.06.2022, the petitioner and his friend Magasuritha 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.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him, due to matrimonial dispute. He would further submit that earlier the petitioner has given a complaint against her husband Saranraj and one Pratheep before the Valasaravakkam Police Station on 31.12.2021, in respect of which, a case in Crime No.821 of 2021 was registered. Subsequently, on the instigation of petitioner's husband, Divya had given a complaint against the petitioner and one Sriram Prabhu before the All Women Police Station, Vadapalani in Cr.No.7 of 2022. Only as a retaliation, again a false complaint has been registered against the petitioner by the defacto complainant. The co-accused has already been enlarged on bail, as per the order of this Court in Crl.OP(MD)No.2978 of 2023, dated 15.02.2023. Hence, prays to release him on anticipatory bail.

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. Hence, prays to dismiss the petition.

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 and considering the fact that the co-accused has already been enlarged on bail, 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 her 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., until further orders.

[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/-

23/02/2023

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/03/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE. E5 MATTUTHAVANI POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.S.MOHAMED ABBAS, Advocate (SR-2784[I] dated 23/02/2023)

ORDER

IN

CRL OP(MD) No.3515 of 2023

Date :23/02/2023

RS//SAR-2(07.03.2023) 3P 6C