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CRL OP(MD).



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

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3688 of 2023

Maheshvaran ... Petitioner/Accused No.1

Vs

1. The Inspector of Police,
All Women Police Station,
Kodaikkanal Police Station,
Dindigul District.
Crime No.1 of 2023..

2. Karpagavalli ... Respondents/Complainants

(R2 is Suo-Motu Impleaded as Per Order of the
Court Dated 01/03/2023 in CRL OP(MD)No.3688 of 2023)

For Petitioner : M/s.Pethanaraj C.G.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

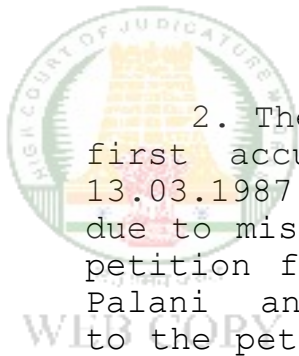
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 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),
323(b), 427, 498(A), 355, 506(i) of IPC r/w. section 4 of TNPHW Act in
Crime No.1 of 2023 on the file of the respondent police, seeks
anticipatory bail.



2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 13.03.1987 and they were blessed with a male child and thereafter due to misunderstanding between them, the first accused has filed a petition for divorce in HMOP No.193 of 2022 before the Sub Court, Palani and after receipt of summons the defacto complainant came to the petitioner's house and quarreled with him. At that time the petitioners herein threatened the defacto complainant with dire consequences, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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.II, Kodaikanal 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 am., for a period of two weeks and thereafter as and when required for interrogation.

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

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TO

1.THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.C.G.PETHANARAJ, Advocate (SR-3174[I] dated
02/03/2023)

ORDER

IN

CRL OP(MD) No.3688 of 2023

Date :09/03/2023

RK/MMS/SAR-4(16/03/2023) 5P/6C