



WEB COPY

CRL OP(MD).



23

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.4517 of 2023

Arokiasamy ... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station Station,
Thiruverumbur, Trichy District.
(Crime No.4/2023)..

... Respondent/Complainant

For Petitioner : M/s.Poornachandran S,
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.4/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 498(A), 323, 294(b) and 506(i) of I.P.C., in Crime No.4 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 a love marriage. Both of the family members have not accepted their marriage and they lived separately. The petitioner used to speak with the first accused through mobile phone and asked him to leave from the



complainant. The defacto complainant got pregnant the petitioner insisted her to abort the same. The same was refused by the complainant. Further due to the ill advice of the petitioner the first accused insisted her to abort. Hence the first accused used to abuse the complainant in filthy language and on 12.01.2023 the first accused left her and went to the petitioner's house, thereafter the defacto complainant had lodged the present complaint.

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 and also the fact the petitioner is the father of the first accused, 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 Additional Mahila Court, Trichy 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 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].



CRL OP(MD).



23

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

sd/-
09/03/2023

WEB COPY

/ TRUE COPY /

/03/2023

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

AAV

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION STATION,
THIRUVERUMBUR, TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4517 of 2023
Date :09/03/2023

RK/BUC/SAR-4 (17/03/2023) 3P/4C