



CRL OP(MD). No.6844 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.07.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

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Sivakumar

... Petitioner/ Accused No.1

Vs

1.The State of Tamilnadu, represented by
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
(Crime No.9 of 2021)

... Respondents/ Complainants

2.Kamatchi
(R2 is suo motu impleaded as per order
of this Court dated 18.04.2023 in Crl.
O.P.(MD)No.6844 of 2023)

...2nd Respondent

For Petitioner : Mr.R.Mohanasundaram,
Advocate.

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side).

For R2 : No appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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



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The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 417, 494, 498(A) and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the second respondent are husband and wife and the petitioner had illicit affair with the fourth accused and had harassed the second respondent continuously. Hence, the complaint.

3. When the matter was taken up for hearing on 18.04.2023, considering the nature of the dispute and also taking note of the fact that the defacto complainant has earlier filed an intervening petition, this Court has suo motu impleaded the defacto complainant as second respondent.

4. Despite the receipt of Court notice, the second respondent has not turned up.

5. It is not in dispute that the accused 2 and 3 parents of the petitioner and in-laws of the second respondent were already granted anticipatory bail by the Sessions Court and the fourth accused has been granted anticipatory bail by this Court in Crl.O.P.(MD)No.9914 of 2023 vide order dated 08.06.2023.

6. It is also not in dispute that the marriage between the petitioner and the second respondent was solemnized on 26.03.2018 and due to their wedlock, they



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have been blessed with one male child.

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7. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

8. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the first respondent would submit that investigation has been completed and they are going to file a charge sheet shortly.

9. Considering the above facts and circumstances and also the facts that the co-accused were already granted anticipatory bail, that investigation has been completed and they are going to file a charge sheet shortly and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Srirangam, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall appear before the jurisdictional Court on all working days at 10.30 a.m., until further orders.

[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].

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

sd/-
10/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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CSM
TO

- 1 THE JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
SRIRANGAM, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MOHANASUNDARAM, Advocate (SR-10415[I] dated 10/07/2023

ORDER
IN

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Date :10/07/2023

PKP/MMS/SAR- /24.07.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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