



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/04/2023
PRESENT

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

CRL OP(MD) . No.7478 of 2023

Senthilkumar

...Petitioner/sole accused

Vs

The State through
The Inspector of Police,
All Women Police Station,
Pudukkottai.
(Crime No.5 of 2023)

... Respondent/Complainant

For Petitioners : Mr.G.Mathavan, Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.5 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under section 498(A) of IPC in Crime No.5 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the petitioner was solemnized as per Hindu customs and Rites on 02.02.2004. The defacto complainant gave born a female child and during stay in the matrimonial home, the petitioner and his parents used to find fault with the defacto complainant even for petty things. The petitioner and his family members harassed the defacto complainant and thereby, she left out the matrimonial home on the very same day. Thereafter, she lodged a complaint before the respondent police against the petitioner. Hence, the present case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. Heard both side and perused the materials available on record including the First Information Report.



5. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner does not require. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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6. 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 Additional Mahila Court, Pudukkottai, 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/-

21/04/2023

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/05/2023

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



1 THE JUDGE,
ADDITIONAL MAHILA COURT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI.

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

+1. CC to G.MATHAVAN Advocate SR.No.6379

ORDER

IN

CRL OP(MD) No.7478 of 2023

Date :21/04/2023

SA/SSS/SAR.2/04.05.2023/3P/5C