



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

Date : 26/04/2023

PRESENT

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

CRL OP(MD) . No.7850 of 2023

Amarnath

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.23/2022).

... Respondent/Complainant

For Petitioner : C.Suresh Kannan,
Advocate.

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

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

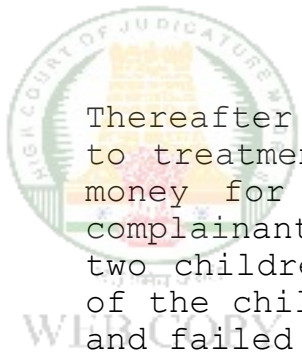
PRAYER :-

For Anticipatory Bail in Crime No.23/2022 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 498(A),
294(b), 323, 406, 506(i) of IPC and Section 4 of TNPHW Act in Crime
No.23 of 2022 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that the marriage between the
petitioner and the defacto complainant was solemnized on 12.09.2018
at Rajapalayam as per hindu rites and customs and at the time of
marriage sufficient dowry was given. After marriage the petitioner
took the defacto complainant to Bangalore and at that time the
defacto complainant came to know that the petitioner was impotent.
Immediately she informed the same to the parents of the petitioner
who then turned up and started harassing the defacto complainant.



Thereafter the petitioner and the defacto complainant decided to go to treatment for test tube baby and initially the petitioner spent money for treatment and thereafter the parents of the defacto complainant spent money for treatment. Thereafter on 26.07.2022 the two children were born to the defacto complainant. After the birth of the child, the petitioner and his parents failed to see the child and failed to maintain the defacto complainant, 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, Additional Mahila Court, Srivilliputhur 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].



CRL OP(MD)



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

sd/-
26/04/2023

/ TRUE COPY /

WEB COPY

/04/2023

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

AAV

TO

1. The Judicial Magistrate, Additional Mahila Court, Srivilliputhur.
2. Do through the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.
3. The Inspector of Police, All Women Police Station, Rajapalayam, Virudhunagar District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-6623[I] dated 26/04/2023)

ORDER

IN

CRL OP(MD) No.7850 of 2023

Date : 26/04/2023

NA/CG/SAR-4/28.04.2023/3P/6C