



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.10305 of 2022

R.Srimurugan

... Petitioner/1st Accused

Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station,
Palayamkottai, Tirunelveli City.
Crime No.14 of 2022.

2.Mariammal

(R2 is Suo Motu Impleaded as Per
Order of this Hon'ble Court Dated
10.06.2022 in CRL OP(MD) Nos.10234
and 10305/2022 by KMSJ)

... Respondents/Complainants

For Petitioner : M/s.Pon Karthikeyan R,
Advocate.
For Respondent-1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Respondent-2 : Mr.J.Jawahar, Advocate

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

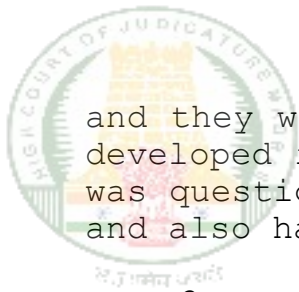
PRAYER :-

For Anticipatory Bail in Crime No.14 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of
the respondent police for the offences punishable under sections 498
(A), 352 294(b) and 506(ii) of I.P.C., in Crime No.14 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 few years ago



and they were blessed with the son. Thereafter the petitioner had developed illegal intimacy with the second accused and when the same was questioned, the petitioner herein abused the defacto complainant and also harassed her, 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 petitioners, with certain conditions:

5. Accordingly, the petitioners are 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.I, Tirunelveli on condition that the petitioners 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/-

08/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI CITY.

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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-3680[I] dated
08/03/2023)

ORDER

IN

CRL OP(MD) No.10305 of 2022

Date :08/03/2023

RS//SAR-2(14.03.2023) 3P 6C