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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2023

PRESENT

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

CRL OP(MD) . No.8036 of 2023

Cholapandiyan,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
(Crime No.28/2022).

... Respondent/Complainant

For Petitioner : Mr.D.R.Murugesan,
Advocate.

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

For Intervenor : Mr.S.Ramu
Advocate

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

PRAYER :- For Anticipatory Bail in Crime no.28/2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) and 506(i) of IPC in Crime No. 28 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and they got married 20 years back and out of the wedlock they got two daughters and one son. While being so, there have been family quarrel regarding money between the petitioner and the defacto complainant, hence the case.

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

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



4. The learned counsel for the defacto complainant would submit that the properties were purchased in the name of the defacto complainant also now taken by the petitioner. Further the wife and children were driven out from the matrimonial home without any reason. The petitioner is also paying Rs.20,000/- as maintenance per month. That apart the defacto complainant also filed a petition under domestic violence and the same is pending

5. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of matrimonial dispute, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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 learned Judicial Magistrate, Peravurani 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 shall return the original title deed to the defacto complainant and on production of proof/ acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner. Further the petitioner shall also continue to pay a sum of Rs.20,000/- as maintenance to the defacto complainant and the trial Court in the domestic violence case is directed to adjust the said amount while ordering maintenance. If the petitioner violates any of the said condition the respondent is at liberty to secure the petitioner and proceed in accordance with law.

[b] 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.

[c] the petitioner shall report before the respondent Police as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-

27/04/2023

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/05/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
PERAVURANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.RAMU, Advocate SR.No.24035 (F) Dt.27/04/2023.

ORDER

IN

CRL OP(MD) No.8036 of 2023

Date :27/04/2023

SA/SSS/SAR.2/04.05.2023/3P/6C