



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

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8463 of 2023

Rajesh

... Petitioner/Soel Accused

Vs

State Rep.by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(In Crime No.94 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Kathiravan.K.S,Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.94 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) IPC, in Crime No.94 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the parties, due to which, on 25.04.2023, the accused/husband had abused and assaulted the defacto complainant/wife in drunken mode. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and due to family dispute between the parties, a false case has been foisted against him. In this case, the injured has been discharged from the hospital. Hence, prayed to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that due to family dispute between the parties, the accused had abused and assaulted the complainant, who is his wife. In this case, the injured



has been discharged from the hospital and the petitioner is by previous case at his credit.

5. Considering the nature of family dispute between the parties, nature of the offence and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Seranmahadevi**, 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 to the Police Officer, who intends to arrest or 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 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 one month 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

/ TRUE COPY /

/05/2023

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



WEB COPY

- 1 THE JUDICIAL MAGISTRATE
SERANMAHADEVI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8463 of 2023
Date :04/05/2023

PKP/CG/SAR-1/08.05.2023/ **3P/5C**