



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

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CRL OP(MD) . No.8671 of 2023

M Vijaya Kumar

... Petitioner/1st Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
Cr.No.5/2023.

... Respondent/Complainant

For Petitioner : M/s.M.Kannan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 5/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 494, 109, 341, 294(b) and 506(ii) 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 petitioner and the defacto complainant are husband and wife and they got married on 27.08.2015. Due to some misunderstanding, they are living separately. While so, the first accused married the seventh accused unlawfully. Hence, a complaint was preferred before the respondent police. During enquiry, the petitioner threatened the defacto complainant and also attacked her. Hence, the complaint.



3. Heard both side and perused the materials available including the First Information Report. It is reported that the petitioner is having two previous cases.

4. Considering the facts and circumstances of the case and also considering the fact that no one sustained injuries in this occurrence, 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 No.I, Sattur, 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 learned Judicial Magistrate No.I, Sattur 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 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 is 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/-

10/05/2023

/ TRUE COPY /

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



TO

1.The Judicial Magistrate No.I,
Sattur.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/S.M.KANNAN, Advocate, SR.No. 25226(F)

+1 CC to M/S.M.KANNAN, Advocate, SR.No. 7367(I)

ORDER

IN

CRL OP(MD) No.8671 of 2023

Date : 10/05/2023

NA/VR/SAR-4/11.05.2023/3P/6C