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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8772 of 2023

Ganesan,

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

Fort All Women Police Station,

Trichy City.

(Crime No.09 of 2023).

... Respondent/Complainant

For Petitioner : M/s.K. M.Karunakaran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.09 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.9 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 the husband and wife. Due to the family dispute between them, the petitioner said to have abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence by the prosecution. He would further submit that due to

<https://www.mhca.org.in>



family dispute, she has given a false complaint as against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner made unnecessary nuisance in the working place of the defacto complainant.

5.At this juncture, the learned counsel for the petitioner would submit that he will ready to file an undertaking affidavit to the effect that the petitioner will not make any disturbance in the working place of the defacto complainant in future.

6.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Additional Mahila Court, Trichy, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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]**; and;



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

8. The petitioner shall file an undertaking affidavit that he will not make any disturbance in the working place of the defacto complainant in future. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner shall file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-
17/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE ADDITIONAL MAHILA COURT
TRICHY.
- 2 THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-7547[I] dated 18/05/2023

ORDER
IN
CRL OP(MD) No.8772 of 2023
Date :17/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/5C**