



CRL OP(MD). No.9048 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.9048 of 2023

Kumaran

... Petitioner/ Accused No.1

Vs

The State, represented by
The Inspector of Police,
All Women Police Station,
Trichy District.
(Crime No.35 of 2022).

... Respondent/ Complainant

For Petitioner : Mr.T.Palani Samy,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.35 of 2022 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 498(A), 377, 294(b), 323, 506 (ii) of IPC read with section 4 of Women Harassment Act, in Crime No.35 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 got married on 13.03.2022 and they had lived only for 15 days together after their marriage. Due to matrimonial dispute, both of them are living separately. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. The defacto complainant failed to reveal all her financial needs, salaries and transactions even after the marriage and when the same was questioned by the petitioner, she has refused to come with the petitioner. The learned counsel would submit that since there was some misunderstanding between them, the defacto complainant lodged the complaint with false allegations.



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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that now the earlier complaint was closed on the undertaking given by the petitioner to restore the wife to the matrimonial home.

5. It is also seen that H.M.O.P. Case is filed by the petitioner seeking restitution of conjugal rights before the Family Court, Cuddalore. Later, it was transferred to the Family Court, Trichy, which is stated to be pending. Subsequent to the above said settlement between the parties, it appears that it was not carried out. So, the present First Information Report has been filed on the basis of the complaint given by the defacto complainant. Even the attempt made by the Court to sort out the issue, could not succeed.

6. In view of the above said, the interim anticipatory bail granted to the petitioner is made absolute with following conditions;

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Sessions Judge, Tiruchirappalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each



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for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
19/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1. The Sessions Judge, Tiruchirappalli.
2. The Inspector of Police,
All Women Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN
CRL OP(MD) No.9048 of 2023
Date :19/09/2023

RK/DD (03/10/2023) 5P / 5C

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