



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

Thursday, the Eighteenth day of May Two Thousand and Twenty Three

PRESENT

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

CRL OP(MD) No.9236 of 2023

BALAMURUGAN

... PETITIONER/ACCUSED NO.1

Vs

State Rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (AWPS),
MANAMADURAI,
SIVAGANGAI DISTRICT.
(FIR NO.8/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MURUGAPPAN, Advocate
For Respondent : MR.A.ALBERT JAMES,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.8/2023 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 498(A), 403 and 506(i) of IPC, in Crime No.8 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. The petitioner had illegal intimacy with the second accused. Further, he had sold out his properties and given that amount to other accused persons and filed HMOP No.2 of 2023 before the Family Court, Sivagangai seeking divorce and also harass the defacto complainant to give divorce. 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 as alleged by the prosecution. He would further submit that this is the second anticipatory bail application. Earlier application filed by the petitioner was dismissed by this Court. He would further



submit that 2 children are with the petitioner and the complainant already made an attempt to murder the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the it is a family dispute between the petitioner and the defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the petitioner and the defacto complainant, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court Manamadurai, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties **(of which one shall be a blood related surety)** 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 two months 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.

sd/-

18/05/2023

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/05/2023

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

DSS



TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI, SIVAGANGAI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.R.MURUGAPPAN, Advocate (SR-7771[I] dated
22/05/2023)

ORDER

IN

CRL OP(MD) No.9236 of 2023

Date :18/05/2023

RS//SAR-(24.05.2023) 3P 6C