



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

PRESENT

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.13976 of 2022

WEB COPY

S.Muthamilraja

...Petitioner/Accused No.1

-vs-

1. The State represented by
The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
(Cr.No.2 of 2022)

...1st Respondent/Complainant

2.Manimegalai

...2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.2 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Karunanithi

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

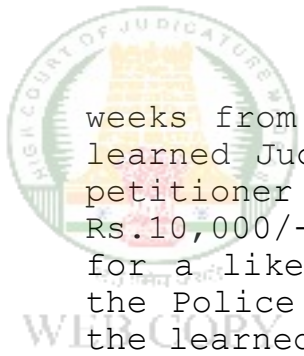
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 406, 498(A) and 506(1) IPC in Crime No.2 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. After marriage, the petitioner has illicit relationship due to which he assaulted the defacto complainant. Hence, the case has been registered.

3.Heard both sides and perused the materials available on record.

4.Considering the fact that it is a case of matrimonial dispute, 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 his appearance, within a period of two



weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/03/2023

/ TRUE COPY /

/03/2023

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

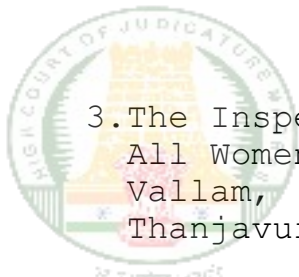
Vsd

To

1. Judicial Magistrate No.II, Thanjavur.

2. Do through the Chief Judicial Magistrate,
Thangayandi District at Kumbakonam.

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



3.The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.

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

ORDER
IN
CRL.O.P (MD) No.13976 of 2022
DATE :07.03.2023

NA/SBN/SAR-I/17.03.2023/3P/5C