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CRL.O.P(MD)N



22

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.14124 of 2022

Marimuthu

...Petitioner/Accused No.1

-vs-

1.The State represented by
The Inspector of Police,
All Women Police Station,
Alankulam,
Thenkasi District.
(Cr.No.10 of 2021)

...1st Respondent/Complainant

2.B.Priyadharshni

...2nd Respondent/Defacto
complainant

(R2 is *suo motu* impleaded as
per the order dated 04.08.2022
in Crl.O.P(MD)No.14124 of 2022
by GIJ)

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.10 of 2021 on the file of the respondent Police.

For Petitioner	: Mr.S.Poornachandran
For R1	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R2	: No Appearance

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498 (A), 323, and 506(i) IPC in Crime No.10 of 2021 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's parents abused the defacto complainant with filthy language and threatened her and driven out her to the parental home. 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, Ambasamudram, 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 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

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

Vsd

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To

1. The Judicial Magistrate, Ambasamudram.
2. Do through the Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
All Women Police Station,
Alankulam,
Thenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL.O.P (MD) No.14124 of 2022
DATE :07.03.2023

NA/MMS/SAR-4/20.03.2023/3P/5C