



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14742 of 2022

Dharmalingam

... Petitioner/Sole Accused

Vs

1.The State represented by
The Inspector of Police,
Amathur Police Station,
Virudhuangar District
(crime No. 132 of 2022).

2. Mareeswari

... Respondents/Complainants

(R2 is suo-motu impleaded as per order
of the Court dated 17/08/2022 in
CRL OP(MD) No.14742 of 2022 by GIJ)

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

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

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

PRAYER :- For Anticipatory Bail in Crime No. 132 of 2022 on the file
of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
323 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, 2022 in Crime No.132 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. Due to family dispute, the
petitioner was in drunken mode, abused the defacto complainant in
filthy language and pushed her down and kicked on her chest with his
leg, resulting in her, sustaining injuries. Hence, the case.

3.Heard. Perused the materials available on record including
the First Information Report.



4. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 10.30 a.m., 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.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/03/2023

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



1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION, VIRUDHUANGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.14742 of 2022
Date :07/03/2023

SA/MMS/SAR .3/23/03/2023/3P/5C