



CRL OP(MD). No.17425 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17425 of 2023

M.Benistan Joyal

... Petitioner/Sole Accused

Vs

**State Represented by,
The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.
(Crime No.361 of 2023).**

... Respondent/Complainant

For Petitioner : Mr.S.Atham Ali,Advocate.

**For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.361 of 2023 on the file of the Respondent Police.



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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 294(b), 506(ii) and 353 IPC and Section 4 of Women Harassment Act, in Crime No.361 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are husband and wife. Due to the matrimonial dispute between them, the defacto complainant filed IDOP No.107 of 2022 before the Family Court, Theni, and the petitioner has filed G.W.O.P.No.981 of 2022. When the defacto complainant refused to permit the petitioner to see the child, the petitioner got angered and scolded her using abusive words and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent. Due to previous motive, the false complaint has been given against the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is working in the Court. In the Court campus, the petitioner abused the defacto complainant using filthy language.

5. Heard both side and perused the materials available on record.



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6. Considering the submissions on either side and considering that there is matrimonial dispute pending between the parties and the relationship of the parties and considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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, Periyakulam, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the jurisdictional Magistrate Court daily at 10.00 am., for the period of 30 days and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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

<https://www.mhc.tn.gov.in/judis>



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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].

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

sd/-
29/09/2023

/ TRUE COPY /

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

INDU

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI
DISTRICT.

3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
PERIYAKULAM TALUK,
THENI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.17425 of 2023
Date :29/09/2023

PKP/MGA/SAR- /06.10.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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