



CRL OP(MD). No.17564 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.17564 of 2023

Mathivannan,

... Petitioner/ Accused

Vs

The State rep.by

The Inspector of Police,

Karaikudi North Police Station,

Sivagangai District.

(Crime No.272/2023).

... Respondent/ Complainant

For Petitioner : M/s.KARUNANIDHI.R, 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. 272/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.272 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute arose between the petitioner and the defacto complainant, the defacto complainant has filed a petition in DVOP.No.64 of 2022 against the petitioner and the same is pending. In such circumstances, the petitioner said to have tortured her mentally through phone



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calls and hence the case.

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3.The learned counsel for the petitioner would contend that due to matrimonial dispute a false case has been foisted against the petitioner and he is innocent and he has not committed any offence, hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute between the husband and wife and that the proceedings are pending before the family Court. He would further submit that petitioner has tortured the defacto complainant and that the investigation of the case is pending and, hence he objected to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the relationship between the parties and considering the nature of offences, the except Section 4 of TNPHW Act any other offences against this petitioner 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, Karaikudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 respondent police once in a week i.e., on every Saturday at 10.30 a.m., for a period of four weeks 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 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.



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TRP

TO

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1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.KARUNANIDHI.R Advocate SR.No.14541

ORDER IN
CRL OP(MD) No.17564 of 2023
Date :29/09/2023

SA/DD/SAR. /12.10.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.