



CRL OP(MD). No.17860 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17860 of 2023

Soundarajan,

... Petitioner/ Accused

Vs

**State Rep.by
The Inspector of Police,
All Women Police Station, Thiruppathur,
Sivagangai District.
Crime No. 13/2022.**

... Respondent/Complainant

For Petitioner : M/s.Thirupathy S,Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest in PRC No. 18/2022 pending on the file of the Judicial Magistrate, Thiruppathur in Crime No. 13 of 2022 dated 08.09.2022 pending on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 417, 420 and 506(i) IPC in Crime No.13 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner herein married the defacto complainant and had sexual intercourse with her and subsequently, he left from her. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner married the defacto complainant at temple and had sexual intercourse with her for two days and thereafter, left from her. He would further submit that now the case has been charge sheeted in PRC.No.18 of 2022 on the file of the Judicial Magistrate, Thiruppathur.

5. Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife and that now, the case has been charge sheeted, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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6. 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, Thiruppathur 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 sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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].

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



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

sd/-
09/10/2023

/ TRUE COPY /

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.S.THIRUPATHY, Advocate (SR-14826[I] dated 09/10/2023)

ORDER
IN
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Date :09/10/2023

PKP/VRS/SAR- /16.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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