



CRL OP(MD). No.19264 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

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Manikandan

... Petitioner / Sole Accused

Vs

The State represented by
The Inspector of Police,
Pulithipatty Police Station,
Sivagangai District.
(In Crime No.59/2023.)

... Respondent / Complainant

For Petitioner : Mr.M.Subhas Muthulingam, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.59/2023 on the file of the respondent police.



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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 alleged offence punishable under Sections 294(b), 324, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 [Act No.44 of 1998] [for the sake of convenience and clarity hereinafter referred to as 'TNPHW Act', in Crime No.59 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that on 14.10.2023, due to matrimonial dispute, the petitioner has abused and assaulted the defacto complainant and his daughter. He also threatened them with dire consequences. Based on the complaint given by the defacto complainant, a case was registered against the petitioner in Crime No.59 of 2023 under Sections 294(b), 324, 506(ii) IPC and Section 4 of TNPHW Act.

3. The learned counsel for the petitioner submitted that the petitioner is the son-in-law of the defacto complainant. There is a matrimonial dispute between the petitioner and his wife. Hence, this case has been falsely foisted by the defacto complainant against the petitioner. The petitioner has also filed a complaint against the defacto complainant. The learned counsel for the petitioner further submitted that defacto complainant and her family members attacked the petitioner and



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caused grave injury to the petitioner. Further, submitted that the petitioner was admitted in Hospital as inpatient and discharged from Hospital recently. Further submitted that alleged victim has been discharged from the Hospital. Accordingly, he prayed to allow the petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to matrimonial dispute, the petitioner had abused and assaulted the defacto complainant. Defacto complainant admitted in the Hospital as inpatient and now he has been discharged from the Hospital. Further submitted that if bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, the learned Government Advocate (Crl.Side) prayed to dismiss the petition.

5.Heard on both sides. This Court has perused the records.

6.Petitioner is none other than son-in-law of the defacto complainant. It appears that petitioner and his wife have some family tussle. Due to the said tussle, the alleged offence occurred. Admittedly, defacto complainant has been discharged from Hospital. It is stated that petitioner has also filed a complaint against defacto complainant and other persons. Considering the relationship between the parties, nature of the dispute, this Court does incline to allow the petition, subject to the conditions:-



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7. Accordingly, this Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioner subject to the following conditions:-

i) the petitioner is ordered to be released on bail in the event of his arrest or on his surrender before the learned Judicial Magistrate, Singampunary, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Singampunary;

(ii) the petitioner shall appear before the respondent police weekly once ie., on every Saturday at 10.00 a.m., until further orders;

(iii) the petitioner and the sureties shall affix their photographs and left thumb impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) if the petitioner absconds, a fresh FIR shall be registered under Section 229

(A) of IPC;



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(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1.The Judicial Magistrate,
Singampunary.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Pulithipatty Police Staton,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-15627[I] dated 27/10/2023)



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ORDER

IN

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Date :26/10/2023

ED/VRS/SAR- (02/11/2023) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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