



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22792 of 2022

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Pandiselvam

...Petitioner/Accused No.1

-vs-

1.The State represented by
The Inspector of Police,
All Women Police Station,
Samayannalur Police Station,
Madurai District.
(in Cr.No.15 of 2021)

2.P.Latha

...Respondent/Complainant

(R2 was *suo motu* impleaded vide order of this Court, dated 03.01.2023)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.15 of 2021.

For Petitioner : Mr.K.Appadurai
For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 406, 417, 294(b) and 506(i) of IPC in Crime No.15 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the marriage between the de-facto complainant and the petitioner was performed on 09.09.2015. She already got divorce from the first husband. After the marriage, she lived with the petitioner for some time and the petitioner was working in the Central Government Railway Department. Since he was in Chennai, he used to come to the house once in a week or once in a month. On 07.03.2020, she was compelled to undergo family planning operation and on 15.04.2020, an anonymous call came to her. Later the petitioner insulted and abused her and on enquiry, the petitioner behaved indifferent. Later, she came to know that the petitioner was indulging in illegal activity and he has obtained money from various persons, promising to secure jobs and when that was intimated to the in-laws, they have criminally intimidated her.



Another marriage also going to be arranged for the petitioner. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that this is the third petition for anticipatory bail and the earlier petitioner for anticipatory bail was dismissed on 22.09.2022. Subsequently, the respondent Police has completed the investigation and filed a final report and the case is taken up in C.C.No.1 of 2023 on the learned Judicial Magistrate, Vadipatti and the case stands posted on 16.02.2023 for appearance of the accused and summons have also been issued. He would also submit that the custodial interrogation of the petitioner may not be required. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that pursuant to the investigation, final report has been filed and the case is taken up in C.C.No.1 of 2023 on the learned Judicial Magistrate, Vadipatti.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Vadipatti, 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 the learned Judicial Magistrate, Vadipatti, on all working day everyday at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Trial Judge.

[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.

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15/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
 - 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SAMAYANALLUR
POLICE STATION, MADURAI DISTRICT.
(CRIME NO.15/2021).
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S.APPADURAI.K Advocate SR.No.2389

ORDER
IN
CRL OP(MD) No.22792 of 2022
Date :15/02/2023

MGJ/BUC/SAR 2/28/02/2023/3P/6C