



CRL OP(MD). No.20062 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20062 of 2023

Karthick

... Petitioner/Sole Accused

Vs

State Rep.by

The Sub-Inspector of Police,

Rajapalayam South Police Station,

Virudhunagar District.

(Crime No.432 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, Advocate.

For Respondent : Mr.RMS.Sethuraman, Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.432 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 448, 341, 294(b), 506(ii) of I.P.C. r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.432 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

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are husband and wife. On 26.03.2018, the marriage took place between them as per the hindu rites and customs. Due to some difference of opinion, the wife filed a petition for H.M.O.P.No.116 of 2018. On 19.11.2019, the trial Court passed an exparte decree of divorce. On 25.10.2023, their child Karthirvel died. On that ground, the petitioner given a complaint and the same was registered in Crime No.429 of 2023. On the said motive, on 28.10.2023 at 9.30 a.m., the petitioner went to the house of the defacto complainant and attacked her with aruval. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and no such occurrence happened as alleged in the complaint. In fact, the defacto complainant and her family members attacked the petitioner. He was admitted as inpatient in the hospital and later, discharged.

4.The learned Additional Public Prosecutor for the respondent Police submitted that since it is the issue between the husband and wife, the petitioner attacked the defacto complainant, so she sustained injury and treated as out patient.

5.Considering the facts and circumstances of this case and also considering that the injured has been discharged from the hospital and treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the



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learned Judicial Magistrate, Rajapalayam, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
08/11/2023

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/11/2023

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

INDU
TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-16070[I] dated 08/11/2023)

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ORDER

IN

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Date :08/11/2023

RS/JGB/SAR-(21.11.2023) 4P 6C

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