



Crl.O.P.(MD) No.23614 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23614 of 2023

Sathya Kala

... Petitioner / Accused No.2.

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thanjavur,
Thanjavur District.
(Crime No.14 of 2023)

... Respondent/Complainant

For Petitioner : Mr.G.Sakthi Rao, Advocate
for Mr.R.Rajasekaran, Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner/ A2 in Crime No.14 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to



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grant an order of pre-arrest bail.

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2. The petitioner/ A2, apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 294(b) and 506(i) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.14 of 2023 on the file of the respondent Police.

3. The case of the prosecution is that the de-facto complainant and the first accused got married on 01.05.2009 and out of their wedlock, they begot children. The first accused had relationship outside of marriage with petitioner herein and on the date of occurrence, the first accused attacked the de-facto complainant and also abused her using filthy language. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. Further submitted that the petitioner is a Teacher, has permanent residence and she has deep roots in this Society. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.



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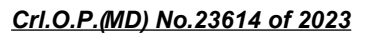
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5.The learned Government Advocate (Crl.side) appearing for the respondent-Police submitted that the de-facto complainant and the first accused are husband and wife and out of wedlock, they begot two children; that the first accused attacked and threatened the de-facto complainant and that the petitioner herein is having a relationship outside of marriage with the first accused. He further submitted that investigation is not completed. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7.First accused and the de-facto complainant are Husband and Wife. It appears that they have matrimonial dispute. Admittedly, petitioner herein is a Teacher, has permanent residence with deep roots in this Society.

8.Considering the allegation levelled by the de-facto complainant against the petitioner, this Court is of the view that the custodial interrogation of the petitioner is not necessary in this case. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner(s) subject to the following conditions.



(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court



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or to any police officer;

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(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court 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].

9. Accordingly, this Criminal Original Petition is granted subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024

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

cmr

TO

1.The Judicial Magistrate (Additional Mahila Court), Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.



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3.The The Inspector of Police,
All Women Police Station,
Thanjavur,
Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.23614 of 2023
Date :28/12/2023

RK/VR (03/01/2024) 6P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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