



CRL OP(MD) No.417 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.417 of 2024

R.SENTHIL KUMAR

... PETITIONER/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KULITHALAI,
KARUR DISTRICT.
(CRIME NO.6 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.ALAGURAM JOTHI, Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 6 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 294(b), 506(ii) IPC and Sections 11(1), 11(3), 11(4)



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and 12 of Protection of Child from Sexual Offences Act, 2012 in Crime No.6 of 2023,

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seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the father of defacto complainant. The petitioner married another women after deserting the defacto complainant's mother and thereafter, he used to sent obscene messages and photographs to the mother of the defacto complainant's cell phone. Hence, the defacto complainant preferred a complaint before the respondent Police against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, it is a matrimonial dispute between the petitioner and the defacto complainant's mother. The petitioner is ready to pay monthly maintenance of Rs.20,000/- to his wife and daughter, without prejudice his right and contention befor the concerned trial Court. Hence, he prays for grant of anticipatory bail.

4. The learned counsel for the intervenor appearing for the defacto complainant has no serious objection for the monthly maintenance of Rs.20,000/-. If the petitioner is failed to pay the said monthly maintenance on 5th day of every month, the anticipatory bail granted to the petitioner may be cancelled.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner sent absence messages and photographs to his own daughter and wife. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and in view of the undertaking filed by the petitioner to pay monthly maintenance of Rs.20,000/- to his wife and daughter on 5th day of every month, without prejudice his right and contention before the concerned Court, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the Fast Track Mahila Court, Kulithalai, Karur District, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b)the petitioner is directed to pay the monthly maintenance of Rs.20,000/- to his wife and daughter on 5th day of every month, failing which, the anticipatory bail granted to the petitioner shall stand automatically vacated.

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)the respondent Police is directed to refer this matrimonial case to the District Social Welfare Officer, Karur, for the purpose of reunion;

(h)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]; and;



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(i)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
11/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE FAST TRACK MAHILA JUDGE,
KULITHALAI, KARUR DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.

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

COPY TO:

THE DISTRICT SOCIAL WELFARE
OFFICER, KARUR.

+1 CC to M/s.J.ALAGURAAM JOTHI, Advocate (SR-669[I] dated 12/01/2024)

ORDER IN
CRL OP(MD) No.417 of 2024
Date :11/01/2024

SA/JGB/SAR. /05.02.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.