



CRL OP(MD). No.6047 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.6047 of 2024

Sundaram,

... Petitioner/Sole Accused

Vs

The Special Sub Inspector Of Police,
All Woman Police Station,
Thiruparankudram,
Madurai District.
Cr No. 26/2023.

... Respondent/Complainant

For Petitioner : M/s. Vetrivel.B,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.26 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(1) of



CRL OP(MD). No.6047 of 2024

IPC, in Cr.No.26 of 2023, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that due to matrimonial dispute between the parties, the petitioner said to have abused the defacto complainant in filthy language and also assaulted her in public place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this the third anticipatory bail application. Earlier anticipatory bail petition filed by the petitioner in Crl.OP(MD)No.4160 of 2024 was dismissed on 20.03.2024. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner and the defacto complainant are the husband and wife. Due to difference of opinion, there is dispute between the petitioner and the defacto complainant. The investigation is in preliminary stage. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the parties, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of



CRL OP(MD). No.6047 of 2024

WEB COPY

this order, before the learned Judicial Magistrate-VI, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent police once in a week at 10.30 am until further orders;

(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]; and;



CRL OP(MD). No.6047 of 2024

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

WEB COPY
229-A IPC.

sd/-
05/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI.

3 THE SPECIAL SUB INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THIRUPARANKUDRAM,
MADURAI DISTRICT.

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



WEB COPY



CRL OP(MD). No.6047 of 2024

ORDER
IN
CRL OP(MD) No.6047 of 2024
Date :05/07/2024

SA/VR/SAR. /16.07.2024/5P/5C

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