



CRL OP(MD).No.9576 of 2024

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

Date : 05.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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M.Deivam

... Petitioner

Versus

The State rep. by its
The Sub Inspector of Police,
Aundipatti Police Station (AWPS),
Theni District.

... Respondent

For Petitioner : Mr.A.Nawaz Khan, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.10 of 2024, for the offence under Sections 406,



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294(b), 418, 506(1), 494 and 109 IPC, has filed this petition seeking anticipatory bail.

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2. The case of the prosecution is that the marriage between the petitioner/A1 and the defacto complainant was solemnized on 22.08.2010. Due to matrimonial dispute, they are living separately. Pending the divorce litigation, the petitioner married another woman/A2 with the help of other accused persons. It is the further allegation of the defacto complainant that the petitioner has not returned her jewels.

3. This is the second anticipatory bail filed by the petitioner. The earlier anticipatory bail petition filed by the petitioner was dismissed by this Court, by order dated 07.06.2024.

4. The learned counsel appearing for the petitioner submits that the petitioner is an Ex-service man. According to him, the marriage between the petitioner and the defacto complainant was solemnized on 22.08.2010. Thereafter, due to matrimonial dispute, they are living separately from the year 2012. The defacto complainant has preferred a complaint in the year 2012, at that time, the petitioner has returned 119 grams of gold jewels to the defacto complainant in the presence of the Deputy Superintendent of Police, Aundipatti, on 26.05.2012. Now, the Defacto complainant has preferred this complaint. He has also produced a document to that effect.

5. Heard the learned Government Advocate (Crl. Side) appearing for the



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respondent Police.

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6. Considering the facts and circumstances of the case and also considering the document produced by the petitioner that he has returned 119 grams of gold jewels to the defacto complainant in the year 2012 itself, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti, Theni District.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. until furthers. He has to co-operate for the investigation.



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(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
05/07/2024

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

OGY

To

1.The Judicial Magistrate,
Aundipatti, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Sub Inspector of Police,
Aundipatti Police Station (AWPS),
Theni District.

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



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+2 CC to M/s.A.NAWAZ KHAN, Advocate (SR-7650[I] dated 09/07/2024)

ORDER
IN
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Date :05/07/2024

ED/ VR /SAR- (12/07/2024) 5P / 7C

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