



CRL OP(MD). No.13993 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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A.Mariappan

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Krishnankovil Police Station,
Viruthunagar District.
Cr.No.119 of 2024..

... Respondent / Complainant

2. M.Jeyalakshmi

... Defacto Complainant

(R2 is Suo-Motu Impleaded as Per Order of the
Court dated 27/08/2024 in CrI.Op(MD).13993 fo 2024)

For Petitioner : S.Selvakumar, Advocate.

For Respondent : Mr.A.Albert James,

Government Advocate (CrI.Side)

For 2nd respondent : Mr.M. Iniyavan, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 355 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime.No.119 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, the petitioner herein harassed the defacto complainant both mentally and cruelly. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent Police and the learned counsel for intervenor and perused the materials available on record.

4. Considering nature of allegations arising out of the marital discord and in spite of the matter being referred to the Mediation Centre, the matter could not be amicably resolved between the parties and considering the argument of the learned Counsel for the intervenor that in spite of the fact that the maintenance of Rs.15,000/- per month has been ordered, nothing is being paid and there is arrears of more than Rs.3,00,00/-, I am inclined to enlarge the petitioner on anticipatory bail, but, however, on the following conditions. As far as the maintenance arrears are concerned, it is for the defacto complainant to approach the concerned Court for issue of warrant for non-compliance. However, since dire need is pleaded, the petitioner shall pay a sum



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of Rs.25,000/- to the defacto complainant's account Number and also produce the receipt while execution of the security.

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5. 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 this order, before the learned Judicial Magistrate (Additional Mahila Court), Srivilliputur, 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 pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the second respondent / defacto complainant towards the maintenance, which can be accounted in the name of Jeyalakshmi, KVB, Gnanaolivupuram, Madurai (A/c.No.1160155000240044, IFSC.No.KVBL0001160) appropriately at the time of executing the sureties;

(c) the petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;



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

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

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/10/2024

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/ 11 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
(ADDITIONAL MAHILA COURT)
SRIVILLIPUTHUR.



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2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION,
VIRUTHUNAGAR DISTRICT.

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

+1. CC to S.SELVAKUMAR Advocate SR.No.12603(I) dated 17/10/2024

ORDER
IN
CRL OP(MD) No.13993 of 2024
Date :17/10/2024

PSP/ MMS /SAR /05.11.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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