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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.15572 of 2024

Jothimurugan

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
All Women Police Station,
Condonment,
Trichy District.
(Crime No.19 of 2023)

... Respondent / Complainant

For Petitioner : M/s.A.Arun Prasad,
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate,
(Criminal Side)

For Intervenor : Mr.S.Alagarsamy

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.



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For Anticipatory Bail in Crime No.19/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498A and 506(i) of IPC, in Crime No.19 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent police, the learned counsel for the intervenor and the defacto complainant who was also present in person before this Court.

3. In the instant case, the allegations that has been made against the petitioner is that he married the defacto complainant and through the wedlock, there are two children. All of a sudden, the petitioner has deserted the defacto complainant and children and has started living with another woman who is also working in the police department. That apart, very serious allegations made against the petitioner as if he was giving slow poison to the defacto complainant and attempting to kill her.

4. The learned Government Advocate (Criminal Side), on instructions, submitted that the investigation has been completed and the police report will be



5. The learned counsel for the petitioner submitted that the defacto complainant had put the petitioner to harassment and therefore, he is living away from the defacto complainant. He further submitted that the allegation that the petitioner is living with another lady is false.

6. The learned counsel for the defacto complainant and also the defacto complainant who was present in person submitted that the petitioner has deserted the family and he has developed an illicit relationship with another lady who is also working in the police department. It was further submitted the earlier anticipatory bail petition, that was filed by the petitioner, was dismissed as withdrawn by an order dated in CrI.O.P.(MD). No. 5698 of 2024 dated 04.06.2024. The learned counsel further brought to the notice of this Court, the order passed in CrI.O.P.(MD). No. 5827 of 2024 dated 13.08.2024, wherein, a direction has been given to the respondent police to file the final report within a period of one month and that the same has not been complied with.

7. Taking into consideration the facts and circumstances of the case and the nature of the allegations that have been made against the petitioner and also considering the submission of the learned Government Advocate (Criminal Side) to the effect that the investigation has already been completed in this case and the police report is going to be filed before the concerned Court shortly and also the fact that the case in hand will not require any custodial interrogation, this Court is inclined to grant anticipatory bail to the petitioner subject the following conditions.



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8. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate cum Additional Mahila Court, Trichy, 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 said Magistrate, on further condition 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 continue to pay a sum of Rs.30,000/- every month to the defacto complainant without fail in order to maintain herself and two children until further orders.

[c] the petitioner shall appear before the trial court during all dates of hearing without fail;

[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

<https://www.mhc.tn.gov.in/judis>

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/-
04/11/2024

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM
ADDITIONAL MAHILA JUDGE,
TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CONDONMENT, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.15572 of 2024
Date :04/11/2024

MGJ(25.11.2024) 6P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023