



CRL OP(MD). No.17144 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17144 of 2024

Muthuvel Murugan

... Petitioner/ Accused No.6

Vs

1.The State rep by the,
The Sub-Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(In Crime No.145 of 2024)

... Respondent/ Complainant

2.Jothipappa,
42, Ganthi Nagar, Mettupatti,
Mallanginar, Kariapatti Taluk,
Virudhunagar.
Now at No.2/150, Pukangulam,
Chitalai Post, Thirumangalam.

(R2 is suo motu impleaded as per
the order of this Court dated
04.10.2024 in CrI.(MD)No.17144 of
2024 by DBCJ)

...2nd Respondent

For Petitioner : Mr.M.Jothibas, Advocate.



WEB COPY



CRL OP(MD). No.17144 of 2024

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

For Intervener : Mr.R.Senthil Kumar,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.145 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 115(2) of BNS Act and r/w Section 4 of TNPHW Act, in Crime No.145 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. Due to difference of opinion, they got separated. In order to take the Aadhar Card of the child, the defacto complainant went to the matrimonial house. At that time, A1 to A5 are said to have abused the defacto complainant in filthy language and attacked her and also threatened her with dire consequences. When the same was informed to the petitioner through the phone, he also abused the her in filthy language and threatened her with dire consequences. Hence, the



complaint.
WEB COPY



CRL OP(MD). No.17144 of 2024

3.Heard both sides.

4.Considering the nature of the allegations in this case that when the defacto complainant, being the wife, went to the husband's place for collection of Aadhar Card of her daughter, and at that time, all the family members of the husband are said to have joined together and attacked her with hands and legs and also abused her in filthy language, and the petitioner being the husband, who was not present in the scene, but, however, when the defacto complainant informed the same over the phone, he also threatened her, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate Court, Kariyapatti, 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



CRL OP(MD). No.17144 of 2024

Magistrate concerned and on further conditions that:

WEB COPY

(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 daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

(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.17144 of 2024

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

sd/-
30/10/2024

/ TRUE COPY /

/11/2024

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

DSS

TO

1. THE JUDICIAL MAGISTRATE COURT, KARIYAPATTI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
MALLANGINAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-13494[I] dated 30/10/2024)

ORDER
IN

CRL OP(MD) No.17144 of 2024

Date :30/10/2024

RK/VR (21/11/2024) 5P / 6C

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

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