

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Wednesday, this the 12th day of October -2022.

Crl.M.P.No.5436/2022

Murugan (A1), S/o.Kaliyappan

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Palamedu P.S. in Cr.No.133/2022

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.M.Venkataraman, Advocate for the petitioner and of Thiru.M.A.Palanisami, Public Prosecutor for the state, this court passed the following:

Order

1. Bail application u/s 439 of Cr.P.C.
2. The offences alleged are u/s 448, 294(b), 324, 307, 109 of IPC and 4 of TNPWH Act.

3. Heard both.

4. As per the case of the prosecution, the defacto-complainant is the wife of A1. A2 is the brother-in-law of A1. A1 and the defacto-complainant were living at Mumbai for the past 8 years and they are blessed with 2 children. A1 is doing finance business. Due to the torture given by A1 and the criminal intimidation made by him for the past 3 months, the defacto-complainant left Mumbai and came to her mother's house on 23.08.2022. However, both the accused persons were continuously threatening her to return to Mumbai. While so, on 13.09.2022 at about 04.30 p.m., when the defacto-complainant was taking bath, at the instigation of A2, A1 has abused her in filthy words, trespassed into the house, broken the bathroom door by aruval and attempted to murder her, which was thwarted by her and sustained injury on her left hand. The defacto-complainant's mother tried to prevent A1 from attacking her daughter, in that attempt she sustained injury on her left side of neck and left wrist. The defacto-complainant and her mother sustained injuries and were admitted in hospital, hence the complaint.

5. The learned counsel for the petitioner/A1 would submit that this is the 2nd petition and that the respondent police has registered a case against the petitioner and another in Cr.No.133/2022 for the offences u/s 448, 294(b), 324, 307, 109 of IPC and 4 of TNPWH Act. The petitioner was arrested and remanded to judicial custody on 14.09.2022 and he is in judicial custody for the past 29 days. The petitioner is innocent and he has not committed any offences as alleged by the prosecution. The petitioner is the husband of the defacto-complainant. Due to family dispute between the spouse, the defacto-complainant has lodged the present false complaint. Injured discharged from hospital. The matter has been compromised between the parties. The petitioner is ready to abide by any conditions that would be imposed by this court and prayed for grant of bail to the petitioner.

6. The learned Public Prosecutor submitted that totally there are 2 accused persons in this case and the petitioner is A1, who is the husband of the defacto-complainant. He narrated the case of the prosecution. Injured discharged from hospital on 28.09.2022. Earlier petition moved by the petitioner was dismissed by this court on 29.09.2022. Investigation is pending and placed strong objections to grant bail to the petitioner.

7. The petitioner/A1 at the instigation of the A2, is said to have abused the defacto-complainant who is the wife of A1, in filthy words, criminally intimidated her and assaulted the defacto-complainant and her mother by aruval and caused injuries, consequently the present case has been registered. According to the learned counsel for the petitioner, this is the 2nd petition, due to family dispute between the spouse the defacto-complainant has lodged the present false complaint, injured discharged from hospital, the matter has been compromised between the parties, he is in prison for the past 29 days, investigation is almost over and the remand period of the petitioner may be considered. According to the prosecution, investigation is not yet completed.

8. On perusal of FIR, it is noted that the occurrence is said to have happened on 13.09.2022 and by this time substantial part of investigation ought to

have been completed. This is the 2nd petition. The petitioner and the defacto-complainant are husband and wife. The defacto-complainant is stated to be residing at her parental home now due to the misunderstanding between the spouse. Hence, family dispute between the parties is explicit. Injured is discharged from hospital on 28.09.2022. The petitioner is in judicial custody for the past 29 days. Considering all these aspects, the relationship between the parties and the facts and circumstances of this case, this court is inclined to grant bail to the petitioner on conditions.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.25,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Vadipatti subject to conditions.

(i) That after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00 a.m. until further orders.

(ii) The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 12th day of October -2022.

Sd/- P.Vadamalai
Principal Sessions Judge,
Madurai

Copy to

1. The J.M.Vadipatti.
2. The Inspector of Police, Palamedu P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.

