

In the Court of the Principal District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai
Principal District Judge, Madurai (i/c)

Friday the 29th day of May 2020

CrI.M.P.No. 2607/2020

M.R.Sakthikumar, S/o.Rajendran

-----petitioner/Accused

/ Vs /

State through the Inspector of Police,
AWPS Madurai Town in crime no.11/2020

... Respondent/Complainant

This petition is received today from the Principal District Court, Madurai as per the proceedings in A.No.90/2020 dt.19.5.2020 issued in furtherance of the instructions and advisories issued by the Hon'ble High Court for limited functioning of courts due to the spread of COVID 19 virus and taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru P.Sathiskumar Counsel for the petitioner and of Thiru M.Tamil Chelvan, Public Prosecutor for the State over conference call, this court passed the following

ORDER

Due to national lock down for COVID-19 virus pandemic, as a result of prohibitory order u/s 144 of Cr.p.c. has been promulgated by the Government of Tamilnadu since 25.3.2020 and in turn regular work of the subordinate judiciary has been advised to attend through Video conference

call by the Hon'ble High Court of Madras till 31.5.2020. Whereas exceptions have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency.

1. Anticipatory Bail application u/s 438 of Cr.p.c.

2. The offences alleged are 498 (A), 417, 294(b), 506(i) of I.P.C.,

3. The learned counsel for the petitioner submit that due to motive in order to take revenge against the petitioner and to extract money false complaint has been lodged against this petitioner by the defacto complainant and he has not committed any offence as alleged by the prosecution and he apprehend arrest by the police and prayed to grant anticipatory bail to him. Per contra, the learned PP submitted in reply that the defacto complainant married this petitioner on 8.1.2020 and lead the life as husband and wife. Whiles, the petitioner refused to live with the defacto complainant and scolded her in filthy language and also intimidated her. Considering the grave nature of the offence strongly objected to grant anticipatory bail.

4. Heard both side through Conference call.

5. Considered the argument of both side. The petitioner counsel would submit that the petitioner is not at all husband of the defacto complainant and he is close friend of the husband of the defacto complainant. Hence the offence u/s 498(A) IPC is not made out against the petitioner and the bail may be considered on that score. Per contra the learned PP vehemently argued that the defacto complainant was having with 2 kids and the present petitioner gave false assurance that if she got divorce from her first husband he is ready to marry her and also he took the defacto complainant to Mutheeswarar Temple and tied Thali and lived as husband and wife in the parental home of the defacto complainant. Subsequently now the petitioner

with an ulterior motive tried to escape from his liability by way of cheating the defacto complainant. Considering the strong objection of the learned PP and also considering the nature of the offence committed by the accused cheating a woman by giving false assurance and also subjected her to cruelty this Court is not inclined to grant anticipatory bail and this petition is dismissed accordingly

6. In the result this petition is dismissed.

Pronounced by me on the 29th day of May - 2020.

Sd.M. Balakumar

V Additional District Judge, Madurai

Principal District Judge, Madurai.(i/c)

Copy to

1. The Inspector of Police, AWPS Madurai Town.
2. The Judicial Magistrate concerned.
3. The petitioner through his counsel.