



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1313 of 2015

JEEVA

..PETITIONER/ACCUSED No.3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN.
CR.NO.13 OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SARAVANAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A), 406 of Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.13 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that one Gopi (A-1) married to the *defacto* complainant on 23.11.2012 and they have no issues. On account of the matrimonial discord, they are separated. The *defacto* complainant has lodged a complaint, based on which, this case was registered by the police on 14.11.2014. The petitioner herein is the sister of the said Gopi (A-1) and admittedly, she is living in Chennai and not with the said Gopi (A-1). Therefore, relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs.State of Bihar** reported in **2014 (8) Scale 250**, this Court is inclined to grant Anticipatory Bail to the petitioner herein.

3. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court (Judicial Magistrate level), Madurai, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

sd/-
28/01/2015

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Sub-Assistant Registrar (C.S.)

TO

1 THE MAHILA COURT JUDGE, (JUDICIAL MAGISTRATE LEVEL), MADURAI.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, MADURAI TOWN.

+1. CC to M/S.M.SARAVANAN Advocate SR.No.3977

ORDER IN

CRL OP(MD) No.1313 of 2015

Date :28/01/2015

PBK 29/01/2015 ::2P-6C: