



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1685 of 2015

IYYAPPAN

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT. CRIME NO.9/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.RM.SIVAKUMAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. 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) r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2012 in Crime No.9 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. On 09.02.2015, this Court passed the following order:

"3. On 02.02.2015, this Court passed a detailed order. Today, Iyyappan, petitioner/accused had filed an affidavit wherein in paragraph No.7, he has stated as follows:

"7. I submit that thereafter my well-wishers took steps for my re-marriage. Knowing this, the defacto complainant demanded Rs.5,00,000/- from me for her. I explained my inability and I also recalled that I am only an agriculture coolie who does not possess amass wealth to meet the demand of the defacto complainant. Further I suggested that I shall make arrangements from various sources and that too is possible only to an extent of Rs.2,00,000/- which could be deposited in my daughter's name. But the defacto complainant and her parents were firm to receive Rs.5,00,000/- from me. Further they did not agree for any deposit in my daughter's name. I hesitated and replied negatively."

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner is directed to deposit a sum of Rs.Two Lakhs in the name of his daughter Udhayasri in a fixed deposit in any nationalised bank, near the house of the defacto



complainant, for a period of three years and her mother Menaka should be appointed as guardian, without prejudice to any other legal claim that may be made by the defacto complainant and this is limited for the purpose of anticipatory bail application.

5. Under such circumstances, Interim Anticipatory Bail is granted to the petitioner for a period of three weeks from today and in the event of arrest, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the Arresting Officer.

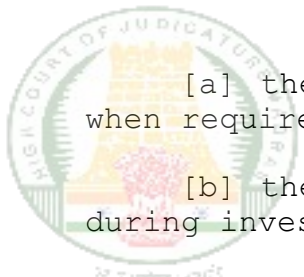
4. Today, the petitioner has filed an affidavit, wherein in Paragraph Nos.2 and 3, it is stated as follows:

"2. I submit that pursuant to the order of this Honourable Court, I had deposited Rs.2,00,000/- in the name of my minor daughter namely Udhayashree in the Corporation Bank, Kulithalai Branch, Kulithalai Taluk, Karur District, a nationalized bank near the defacto complainant's residence. I submit that the defacto complainant has been nominated as the guardian to my minor daughter to deal with the fixed deposit amount. The fixed deposit has been made for three years and I have enclosed a Xerox copy of the receipt of the fixed deposit along with this affidavit.

3. I submit that the defacto complainant is working as a teacher and I reliably learn that she is having affair with some other person. The defacto complainant might withdraw the fixed deposit along with her legal advisors for their personal benefit even before the maturity date under the cover that the same is needed for the benefit of minor. Thus the real intention that the fixed deposit amount should reach my minor daughter may be defeated. Hence I humbly request this Honourable Court may be pass suitable orders that the defacto complainant does not withdraw the entire amount but only the accumulated interest. If the principal amount has to be withdrawn then the same may be done with the leave of the Honourable Jurisdictional Magistrate. I submit that to serve the real purpose, the above arrangement may be made by this Honourable Court."

5. A copy of the deposit receipt is also enclosed along with the affidavit. Learned counsel for the petitioner also has handed over the original deposit receipt to Mrs.Chitra, Police Constable (Grade-I) Batch No.1355, who is present in this Court on behalf of the respondent police. It is the apprehension of the petitioner that the defacto complainant should not withdraw the amount prematurely, for, that may defeat the very purpose of deposit.

6. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on 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 learned Judicial Magistrate No.I, Kulithalai, 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 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.

[d] 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].

7. It is made clear that the defacto complainant by name Menaka will not be entitled to close the Fixed Deposit before its date of maturity. Mrs.Chitra, Police Constable (Grade-I) Batch No.1355, is directed to hand over the original deposit receipt to the defacto complainant under proper acknowledgment and report compliance to the office of the Public Prosecutor.

sd/-
17/03/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, KARUR.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RM.SIVAKUMAR Advocate SR.No. 12849

SR : 19.03.2015 : 3P/6C

ORDER
IN
CRL OP(MD) No.1685 of 2015
Date :17/03/2015