



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

Monday, the Sixteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2263 of 2015

LAKSHMANAN

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI
DISTRICT. CR.NO.212 OF 2013.
CRIME NO.212 OF 2013

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.PAREKHKUMAR Advocate
For Respondent : M/S.P.KANNITHEVAN,
Govt. Advocate (Crl. Side)

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

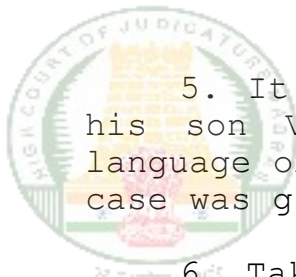
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.212 of 2013 on the file of the respondent police for the offence under Sections 147, 448, 294(b) and 506(ii) IPC and Section 4 of Tamil Nadu Woman Harassment Act the petitioner is now before this Court seeking Anticipatory Bail.

2. This is the second anticipatory bail application. The first anticipatory bail application filed in Crl.O.P.(MD)No.13673 of 2013 was allowed by this Court on 20.08.2013 with a direction that the petitioner shall surrender within fifteen days from the date on which the order copy made ready and furnish sureties to the satisfaction of the concerned Magistrate. The petitioner has not been complied with the order and therefore, that order had lapsed.

3. The learned counsel for the petitioner submits that the petitioner did not furnish surety because there was settlement process that was going on between the defacto complainant and the petitioner.

4. It is seen that the petitioner's son Velappan was arrested by the respondent police in this case and he was enlarged on bail on 20.01.2015 before the learned Judicial Magistrate, Cheranmahadevi, though he was also one of the petitioners in the earlier anticipatory bail application in Crl.O.P.(MD)No.13673 of 2013.



5. It is the case of the prosecution that this petitioner and his son Velappan had abused the defacto complainant in filthy language on 10.07.2013 at about 11.00 a.m. but the complaint in this case was given only on 20.07.2013.

6. Taking into consideration of the facts and circumstances, I am inclined to grant anticipatory bail to the petitioner, but with conditions.

7. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate, Cheranmahadevi on executing a separate 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 appear before the respondent police daily twice at 10.30 a.m. and 5.00 p.m. for a period of two weeks and thereafter, 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 petitioners 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].

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petitioner for anticipatory bail stands dismissed.

sd/-

16/02/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, CHERANMAHADEVI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE

CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.J.PAREKHKUMAR Advocate SR.No.7099

RL/6 C- 19/2/2015

ORDER

IN

CRL OP(MD) No.2263 of 2015

Date :16/02/2015