



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3315 of 2015

CHINNA THANGAM

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, (SOUTH),
TUTICORIN.
CR. NO.26/2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.A.THIRUMALAIAPPAN 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 :-

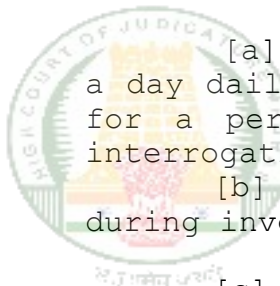
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 323, 506(i) IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, in Crime No.26 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application and the first anticipatory bail application was dismissed by this Court on 29.01.2015. In the first anticipatory bail application, it was noted that this petitioner had kicked the *defacto* complainant on the belly, on account of which, she suffered renal failure and she was continuously urinating.

3. The learned counsel for the petitioner submits that this is factually incorrect, because, even according to the *defacto* complainant, it was Sharmila, the sister-in-law of the *defacto* complainant, who had kicked the *defacto* complainant on the belly and the said Sharmila was arrested and released on bail. Therefore, this Court called for the records and perused the complaint and found that the assertion of the learned counsel for the petitioner was right. It is seen that the husband of the *defacto* complainant Sathish Kumar and Sharmila had subjected her to untold cruelty.

4. In view of the fact that Sharmila has been arrested and released on bail, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

5. 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 learned Judicial Magistrate No.I, Thoothukudi, 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 learned Magistrate 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 twice a day daily at 10.30 a.m., in the morning and 06.30 p.m., in the evening 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 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
25/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

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

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, (SOUTH), TUTICORIN.

+1CC to M/s.D.Balamurugapandi, Advocate in SR.9062

ORDER IN
CRL OP(MD) No.3315 of 2015
Date :25/02/2015

PBK 26/02/2015 ::2P-6C: