



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

Thursday, the Fifth day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.3585 of 2015

U.MUTHUKARUPPAN

... PETITIONER / ACCUSED NO.1

Vs

THE SUB INSPECTOR OF POLICE

KARAIKUDI ALL WOMEN POLICE STATION, KARAIKUDI.

CR. NO.26/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.D.JAGADISH CHANDIRA 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 :-

Apprehending arrest at the hands of the respondent police in Crime No.26 of 2014, on the file of the respondent police for offences under Sections 498(A), 406 IPC and 4 of Tamil Nadu Prohibition of Women Harassment Act, the petitioner is now before this Court seeking Anticipatory Bail.

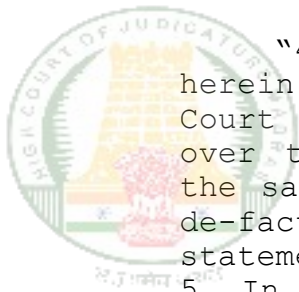
2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

3. On 27.02.2015, this Court passed the following order:

This is the 2nd anticipatory bail petition and the first anticipatory bail petition has been dismissed by this Court on 07.01.2015, because the petitioner is retaining the diamond ear ring and other jewelry of the de-facto complainant.

2.Mr.A.D.Jagadish Chandra, learned counsel for the petitioner, would submit that the de-facto complainant has left a suitcase in the house of the petitioner and according to the learned counsel, the petitioner does not know its contents and probably the jewels are inside the suitcase. The petitioner also does not want to open the suitcase and get into more trouble. If it is so, the petitioner may hand over the suitcase through any of the other accused, as this Court has granted anticipatory bail to others in Crl.O.P.No.61 of 2015 on 07.01.2015. In the event of the suitcase being handed over to the respondent police, I direct the respondent police to receive the same in the presence of the de-facto complainant and open the same in her presence and in the presence of two independent witnesses and inventarise the articles therein and file a status report before this Court on 05.03.2015. Adjourned by 05.03.2015."

4. Today, the respondent police is present and they have filed a status report, in which, they have stated that the suitcase was brought to the police station on 01.03.2015 and in the presence of the de-facto complainant, the suitcase was opened and all her jewelry were handed over to her. In paragraph No.4 of the status report, it is stated as follows:



"4.I humbly submit that subsequently the petitioner herein filed this bail application before the Hon'ble Court and in this juncture the petitioner herein handed over the gold ornaments of the de-facto complainant and the said Kalyani also accepted the gold ornaments and the de-facto complainant also accept the jewels and gave statement."

5. In view of the above, this Court is of the opinion that it is a fit case for grant of anticipatory bail and anticipatory bail is granted to the petitioner, but with conditions.

6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on this appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Karaikudi, 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 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].

sd/-
05/03/2015

/ TRUE COPY /

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

TO

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

+1cc to MR.ANTONY S.PRABAHAR, Advocate in SR.No. 10536

Sm:10.03.2015:2P/6C: