



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.4364 of 2015

WEB COPY

A.JOSEPH ANBUNATHAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DINDIGUL NORTH POLICE STATION,
DINDIGUL, CRIME NO.262/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

For Intervener : MR.D.VENKATESH, Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

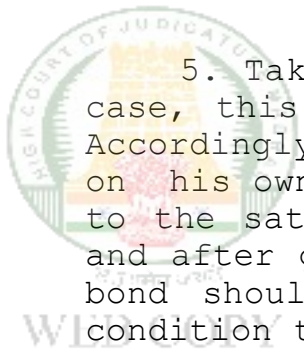
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.03.2015 for the offences punishable under Sections 294(b), 323 and 506(ii) of I.P.C. in Crime No.262 of 2015 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.side) and the learned counsel for the intervenor/de-facto complainant.

3. The learned counsel appearing for the intervenor/de-facto complainant very strongly objected to grant of bail to the petitioner.

4. It is seen that the de-facto complainant is a practicing lawyer and the petitioner is her husband. On the complaint lodged by the de-facto complainant, this case has been registered and the petitioner was arrested on 02.03.2015. It is seen that the de-facto complainant has set up another lawyer by name Mr.Chezhiyan to file a bail application for this petitioner without instructions and after filing the bail application, the said lawyer has been seeking adjournment without arguing the case, so that the petitioner could be kept in jail on the pretext that the bail application is pending. On a special mention made before this Court, this Court granted permission to the petitioner to file this bail application before this Court without first moving the Court below. The facts are indeed very saddening. This Court does not want to say anything more.



5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant to bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Superintendent, District Jail, Dindigul and after getting the bond and releasing the prisoner, the original bond should be sent to the concerned Magistrate 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

09/03/2015

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT, DISTRICT JAIL, DINDIGUL.
- 2 THE INSPECTOR OF POLICE, DINDIGUL NORTH POLICE STATION, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY, Advocate SR.No.11255.

+1. CC to M/S.D.VENKATESH, Advocate SR.No.11125.

ORDER IN

CRL OP(MD) No.4364 of 2015

Date :09/03/2015