



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

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4648 of 2015

R.MUTHUVIYARAGHAVAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SUBRAMANIAPURAM POLICE STATION,
MADURAI.

(CRIME NO. NOT KNOWN OF 2015) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.SHANMUGASELVAM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

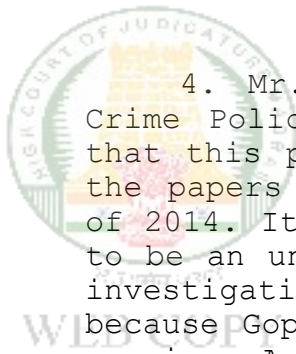
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

No regular case has been registered by the police and only a petition enquiry is pending, based on a complaint dated 06.03.2015 lodged by one Shanmugavalli before the Deputy Commissioner of Police, Madurai City, who has forwarded the same to the present respondent.

2. It is seen that the said Shanmugavalli had earlier lodged a complaint before the Inspector of Police, Othakadai Police Station alleging that she is related to the petitioner and they were in love and that this petitioner had promised to marry her, but had gone back on the promise. Based on the complaint, the Inspector of Police, Othakadai Police Station registered a case in Crime No.260 of 2014 for offences under Sections 417 and 506(i) of I.P.C. This petitioner filed anticipatory bail application in Crl.O.P.(MD).No.11756 of 2014 in Othakadai Police Station Crime No.260 of 2014 in which the Inspector of Police, Othakadai Police Station filed a detailed counter stating that there was no material to show that the petitioner was in love with Shanmugavalli and further, he had stated in the status report filed before this Court that Shanmugavalli did not co-operate with the police in the investigation of the case. Therefore, this Court granted anticipatory bail to this petitioner in Crl.O.P.(MD).No.11756 of 2014 on 12.02.2015.

3. The said Shanmugavalli has again gone to the Deputy Commissioner of Police, Madurai City and lodged the present complaint on 06.03.2015 alleging that this petitioner and one Gopi had cheated her by taking away her jewelery. The said complaint has now been referred to the Inspector of Police, C2 Supramaniapuram Crime Police Station for enquiry. No



4. Mr.M.Saravanaravi, the Inspector of Police, C2 Supramaniapuram Crime Police Station has filed a status report in which he has stated that this petitioner appeared before him for investigation and submitted the papers in connection with the Othakadai Police Station Crime No.260 of 2014. It is further stated in the status report that Gopi, who is said to be an uncle of Shanmugavalli, is not co-operating with the police for investigation. The police were not able to proceed with the enquiry, because Gopi did not appear before the police despite being summoned for enquiry. As far as this petitioner is concerned, he has co-operated with the police by appearing before them for enquiry. It appears that Shanmugavalli has been giving one complaint or the other against this petitioner in different police stations. Shanmugavalli is aged about 37 and this petitioner is aged about 27 years.

5. On the facts and circumstances of the case, I am of the opinion that it is a fit case for granting 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.IV, Madurai District on executing 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 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 give his thumb impression, specimen signature and handwriting.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]*.

6. In the event of the respondent police registering a regular case, the anticipatory bail granted herein will enure to the benefit of the petitioner and he need not apply for fresh anticipatory bail.

sd/-
19/03/2015

/ TRUE COPY /

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



TO

1.THE JUDICIAL MAGISTRATE NO.IV,MADURAI.

2.DO THRO THE CHEIF JUDICIAL MAGISTRATE, MADURAI.

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

4.THE INSPECTOR OF POLICE
SUBRAMANIAPURAM POLICE STATION,MADURAI.

+1. CC to M/S.N.SHANMUGASELVAM Advocate SR.No.14027

ORDER

IN

CRL OP(MD) No.4648 of 2015

Date :19/03/2015

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