



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10951 of 2016

MUTHUKUMAR

... PETITIONER/ACCUSED 1

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MELUR, MADURAI
DISTRICT.
CRIME NO. 35 OF 2016

... RESPONDENT/COMPLAINANT

ARUMUGAM

... PETITIONER/INTERVENER

For Petitioner : M/S E.SOMASUNDARAM Advocate

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

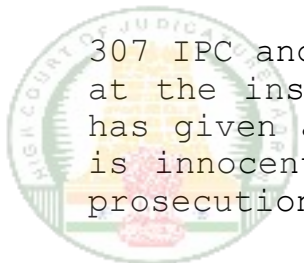
For Intervenor : M/S.A.V.Arun, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 7 and 8 of POSCO Act and Section 506(i) I.P.C., in Crime No.35 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the petitioner is that on 14.06.2016, one Kumaresan, who is the relative of the victim girl, borrowed money from the petitioner. When the petitioner approached the said Kumaresan and demanded money, he indiscriminately attacked the petitioner with his associates and also cut his right thumb. Immediately, the petitioner was admitted in the Apollo Hospital, Madurai. Thereafter, the petitioner's mother, viz., Thirumathi gave a complaint to the Inspector of Police, Keelavalavu Police Station, on 14.06.2016 and the same was registered in Crime No.214 of 2016 for the offences punishable under Sections 452, 294(b), 323, 324 and



307 IPC and Section 4 of Women Harassment Act. As a counter-blast, at the instigation of the said Kumaresan, the *de-facto* complainant has given a false complaint against the petitioner. The petitioner is innocent and he has not committed any offence as alleged by the prosecution.

3. The learned counsel for the intervenor reiterated the averments made in the complaint and prayed for dismissal of the criminal original petition.

4. The learned Government Advocate (Criminal side) submitted that on receiving a complaint from the *de-facto* complainant, the case has been registered for the offences stated above. He further submitted that the victim girl has given a statement under Section 164 Cr.P.C., before the learned Judicial Magistrate No.I, Madurai, on 24.06.2016, wherein the victim girl has made allegations against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the victim girl has already given a statement under Section 164 Cr.P.C., before the learned Judicial Magistrate No.I, Madurai, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Mahila Court [Judicial Magistrate Level], Madurai District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall appear before the respondent police daily twice, *i.e.*, at 10.00 a.m. and 05.00 p.m., until further orders;
- (ii) the petitioner shall not tamper with the evidence or witness either during investigation or trial; and
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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. 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 conditions or
not.

sd/-
17/08/2016

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE MAHILA COURT (JUDICIAL MAGISTRATE LEVEL), MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S E.SOMASUNDARAM Advocate SR.No.45444

+1. CC to M/S.A.V.Arun, Advocate SR.No.45448

SMN2/PJL

CSL/SS-2/SAR-III/29.08.2016: 3P/6C

ORDER
IN
CRL OP(MD) No.10951 of 2016
Date :17/08/2016