



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13721 of 2016

K. MANIKANDAN

... PETITIONER/ SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 278 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.BALAKRISHNAN Advocate

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

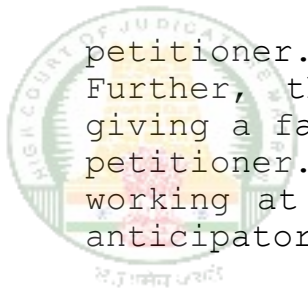
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 420 and 506(ii) of IPC in Crime No.278 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a married woman and she is having two children. The petitioner came to the house of the defacto complainant for giving treatment to her mother and subsequently, he requested the defacto complainant and stayed in her house. The defacto complainant helped the petitioner to complete his MBBS Degree. Due to the stay of the petitioner in the house of the defacto complainant, the husband of the defacto complainant left her. The petitioner and defacto complainant got married and in all the records, the petitioner is shown as a husband of the defacto complainant. Subsequently, the defacto complainant came to know that the petitioner has married one Devi and living with her and the petitioner while staying with the defacto complainant, he took 30 sovereigns of gold jewels and a sum of Rs.10,00,000/- for expenses. On complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the defacto complainant has created a false documents and given number of complaints against the



petitioner. The petitioner is taking steps to cancel the documents. Further, the defacto complainant with the help of her husband giving a false complaint with an intention to extract money from the petitioner. He further contended that now, the petitioner is working at Villupuram Primary Health Centre and prays for granting anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner took 30 sovereigns of gold jewels and sum of Rs.10,00,000/- from the defacto complainant by making her believe that he is married and they are husband and wife. Now, the petitioner has married one Devi and left the defacto complainant and the investigation is pending.

5. Considering the facts and circumstances of the case, I am inclined to grant 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, Pudukkottai and 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 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 once in a week i.e on every Sunday at 10.00 am until further orders.

[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 petitioners 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 petitioners are complying with the condition or not.

sd/-

03/08/2016

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



TO

1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

TRP

CSL/SKS-RR/SAR-I/08.08.2016:2P/5C

ORDER

IN

CRL OP(MD) No.13721 of 2016

Date :03/08/2016