



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15341 of 2016

THANGABASKAR

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT
(IN CRIME NO.9 OF 2013)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.JEGADEESWARAN Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

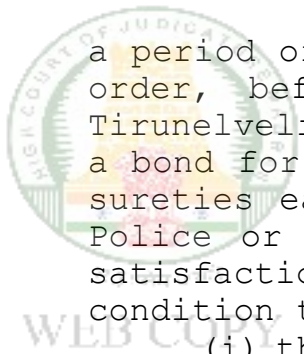
The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494 and 506(i) of IPC, in Crime No.9 of 2013 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the defacto complainant solemnized on 11.02.2001 and two children were born in the wedlock. The petitioner filed HMOP.No.91 of 2010 on the file of Sub Court, Ambasamuthiram, Thirunelveli District and the marriage was dissolved by the decree of divorce on 06.07.2011. The petitioner's mother was arrested by the respondent respondent Police and released on bail. On complaint, a case has been registered for the offences stated above.

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.

4. Heard the learned Government Advocate (Criminal side).

5. Considering the fact that the petitioner has already filed HMOP.No.91 of 2010 before the Sub Court, Ambasamuthiram, Thirunelveli District and got divorce on 06.07.2011, the custodial interrogation of the petitioner is not required. Hence, 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 learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (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/-

22/08/2016

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT
- 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT
- +1. CC to M/S.R.JEGADEESWARAN Advocate SR.No.46291
RL/6C/2P/SKS/RR/SARI/30/8/2016

ORDER

IN

CRL OP(MD) No.15341 of 2016

Date : 22/08/2016