



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP (MD) No.16177 of 2016

ANOOP JOSEPH

... PETITIONER/ACCUSED-1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.BOMMURAJ Advocate

For Respondent : Mr.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 No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.23 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the petitioner, he is an innocent and he has not committed any offence as alleged by the prosecution. On earlier occasions, the de facto complainant married different persons and she was living together with many persons and she gave birth to two children. Subsequently, she killed both the children by giving poison. For the said occurrence, a case was registered and she was released on bail. She was also arrested by the police in connection with a robbery case. The de facto complainant frequently changed her name and cheated the innocent persons. Without knowing the history of the de facto complainant, the petitioner married her on 19.02.2014. On coming to know the earlier facts, he gave complaint against her and the same was registered in Crime No.2 of 2016 on the file of All Women Police Station, Dindigul and she was arrested and released on bail. As a counter-blast to the same, the de facto complainant has given a false complaint against the petitioner before the Superintendent of Police and the same was forwarded to the respondent police and a case was registered. The petitioner also filed a petition for divorce against the de facto complainant.



3.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case was registered for the above said offences and investigation is pending.

4.Considering the facts and circumstances of the case and also considering the fact that the case in Crime No.2 of 2016 registered against the de facto complainant is pending, custodial interrogation of the petitioner is not required and therefore 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 No.2, Dindigul, 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].

5.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/-

31/08/2016

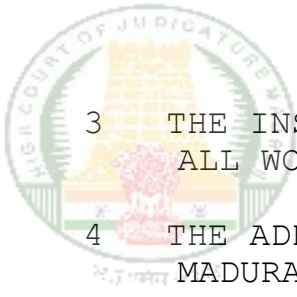
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.2
DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL, DINDIGUL DISTRICT

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

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+1. CC to M/S.K.BOMMURAJ Advocate SR.No.49250

ORDER

IN

CRL OP(MD) No.16177 of 2016

Date :31/08/2016

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SH/SKS-RR/SAR-I:02.09.2016:3P/6C