



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

Friday, the Second day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16355 of 2016

M. MILTON DINESH

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SRIRANGAM ALL WOMEN POLICE STATION,
TRICHY DISTRICT.

... RESPONDENT / COMPLAINANT

KARPAGAM

... INTERVENE PETITIONER/
DEFACTO COMPLAINANT.

For Petitioner : M/S.K.SIVABALAN Advocate

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

For Intervenor : M/S.ANANDA KUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 493 and 506(i) IPC, in Crime No.9 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the defacto complainant in the year 2016 by exchanging garlands. When the defacto complainant insisted the petitioner for valid marriage, he threatened her with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the defacto complainant already married one person and after his death, she married one Babu and she was living with several persons and cheated them. The defacto complainant

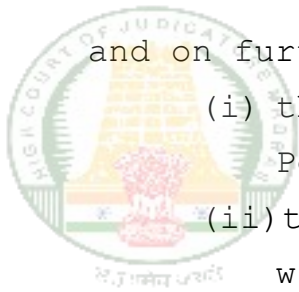


approached the petitioner through Anandh, S/o.Johnson. The said Anandh introduced defacto complainant as Karpagam @ Priya to the petitioner and informed him to lend a sum of Rs.1,00,000/- for interest for medical expenses of one Babu, husband of the defacto complainant. The defacto complainant also agreed to pay the interest every month and return the amount. Subsequently, she did not pay the interest and repay the amount borrowed. When the petitioner demanded money, she was evading the payment and insisted the petitioner to marry her and when he refused to accept the said proposal, she has given a false complaint against the petitioner.

4.The learned counsel for the Intervenor reiterated the averments made in the complaint and submitted that she is a widow and she met the petitioner in the year 2012 and they fell in love with each other and they were living together. Subsequently, the petitioner intended to marry another person. When she questioned the same, they demanded 50 sovereigns of gold jewels and attacked her.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that both the petitioner and defacto complainant are making allegations against each other and it is a case and case in counter and investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact both the petitioner and defacto complainant are making allegations against each other and it is a case and case in counter, 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 cum Additional Mahila Court, Trichy, 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 10.30 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].

7. 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/-

02/09/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM ADDITIONAL MAHILA COURT, TRICHY.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SRIRANGAM ALL WOMEN POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S.K.SIVABALAN Advocate SR.No.49827.

ORDER

IN

CRL OP(MD) No.16355 of 2016

Date : 02/09/2016