



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

Wednesday, the Third day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1927 of 2016

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1 A. KARUPPASAMY
S/O.ALAGARSAMY
2 S. KARUPPASAMY
S/O.SANGILIPANDI

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 9 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S G.THALAIMUTHARASU Advocate
For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 506(ii) I.P.C., and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.9 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioners / Accused 1 and 2 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. Taking into consideration the bad antecedent of the 1st petitioner / 1st Accused, this Court is not inclined to grant anticipatory bail to him. Hence, the criminal original petition against the 1st petitioner / 1st Accused is dismissed.

4. Considering the nature of allegations raised against the 2nd petitioner / 2nd Accused, this Court is inclined to grant anticipatory bail to him. Accordingly, the 2nd petitioner / 2nd Accused 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.II, Kovilpatti, on condition that the 2nd petitioner / 2nd Accused 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:

<https://hcservices.ecourts.gov.in/hcservices/>
(1) the 2nd petitioner / 2nd Accused shall stay at
Tirunelveli and report before the Tirunelveli
Junction Police Station daily morning at



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10.30 a.m., and evening at 06.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

(ii) the 2nd petitioner / 2nd Accused shall not tamper with evidence or witness either during investigation or trial.

(iii) the 2nd petitioner / 2nd Accused 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 2nd petitioner / 2nd Accused in accordance with law as if the conditions have been imposed and the 2nd petitioner / 2nd Accused 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 2nd petitioner / 2nd Accused is complying with the conditions or not.

6. The criminal original petition against the 1st petitioner / 1st Accused is dismissed.

sd/-

03/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI.

+1. CC to M/S G.THALAIMUTHARASU Advocate SR.No.6973

akm/05.02.2016/ 2p-7c/NGM/SS/SAR-I

ORDER

IN

CRL OP(MD) No.1927 of 2016

Date :03/02/2016