



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20833 of 2016

R.MATHIVANAN

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, VIRUDHUNAGAR,

VIRUDHUNAGAR DISTRICT

(CRIME NO.15 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 495, 294(b), 323 and 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of TNPHW Act in Crime No.15 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner, who is the husband of the defacto complainant, along with other accused, demanded 15 sovereigns of jewels and cash of Rs.10 lakhs and also inflicted her to cruelty, which resulted in registration of the case. It is also alleged that the petitioner/A1 has entered into the 2nd marriage with another woman.

4. Learned counsel for the petitioner submitted that the petitioner/A1 has been falsely implicated in this case and he had nothing to do with the alleged offences.



5. Learned Government Advocate (Crl. Side) submitted that previously, the petitioner filed four petitions for anticipatory bail, which all stood dismissed by this Court.

6. Considering the facts and circumstances of the case and also taking note of the fact that even after dismissal of anticipatory bail petitions for more than three times, Police have not taken any steps to secure the petitioner, which shows the lethargic attitude on the part of the respondents and therefore, this Court is of the view that custodial interrogation of the petitioner is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, subject to the following conditions:**

(i) 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 Magistrate concerned;

(ii) the petitioner shall appear before the **respondent police daily at 10:30am for two weeks and thereafter as and when required for interrogation;**

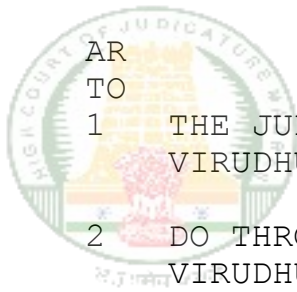
(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
03/11/2016

/ TRUE COPY /



AR
TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE
VIRUDHUNAGAR AT SRIVILLIPUTHUR

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

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

+1. CC to M/S.G.MARIMUTHU Advocate SR.No.65181

GJM/SKS/SKN/SAR-III-10.11.16-3P-6C

ORDER

IN

CRL OP(MD) No.20833 of 2016

Date :03/11/2016