



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

Thursday, the Twenty Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22302 of 2016

XAVIER

... PETITIONER/ACCUSED -2

Vs

STATE REPRESENTED BY ,
THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.256/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.C.RAMALINGAM 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 :-

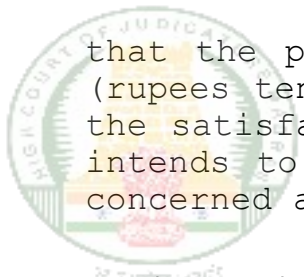
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 364 IPC and Section 4 of Women Harassment Act, in Crime No.256 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that when the de facto complainant was returning home after her finishing her duty, the petitioner along with other accused way laid her and asked to board into their auto and also pulled her hand to get into the auto.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the 1st accused has been arrested and the petitioner is a passenger of the auto.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is a passenger in the auto, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Muthukulathur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]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)** .

sd/-
24/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.C.RAMALINGAM Advocate SR.No.72258
NB
CSL/PV/SAR-III/01.12.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.22302 of 2016
Date :24/11/2016