



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

Tuesday, the Ninth day of February Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2312 of 2016

NETHAJI NACHIAPPAN

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAGANGAI,
CR NO.15 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

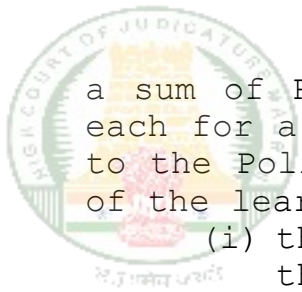
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498(A), 406 I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.15 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner / 1st Accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. This is the second application for anticipatory bail and the first anticipatory bail application, in Crl.O.P.(MD) No.15988 of 2015, was dismissed by this Court, vide Order dated 11.01.2016. When the matter was referred to mediation, it appears that the petitioner / 1st Accused has returned 135 sovereigns of gold jewels and Innova Car to the *de facto* complainant. The petitioner / 1st Accused is also ready to hand over the household articles, which are available in Chennai, to the *de facto* complainant, but she is not ready to receive the same. Under such circumstances, this Court is of the view that this a fit case to grant anticipatory bail to the petitioner / 1st Accused. Accordingly, he 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.I, Sivagangai, on condition that the petitioner / 1st 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:

- (i) the petitioner / 1st Accused shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner / 1st Accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / 1st 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 petitioner / 1st Accused in accordance with law as if the conditions have been imposed and the petitioner / 1st 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]**.

4. 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/-

09/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SIVAGANGAI
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.GANAPATHI SUBRAMANIAN Advocate SR.No.7749

ORDER

IN

CRL OP(MD) No.2312 of 2016

Date :09/02/2016

AA/SKS-RR/AR-II/11.02.2016/2p-6c