



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

Tuesday, the Eighth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3036 of 2016

R. PRAVEEN KUMAR

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY.(CRIME NO. 21 OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.CHANDRAKUMAR 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 420 and 406 I.P.C., in Crime No.21 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.A.Chandrakumar, learned counsel appearing for the petitioner / first 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.18393 of 2015, was dismissed by this Court, vide Order dated 11.01.2016.

4. The learned counsel appearing for the petitioner / first accused has submitted that at the time of hearing the first anticipatory bail application, the petitioner / first accused had failed to bring notice of this Court certain aspects, namely, the *de facto* complainant was suffering from Autism, which came to his knowledge only after the marriage.

5. It is seen that the petitioner / first accused got married to the *de facto* complainant on 05.09.2014 and within the few days it came to the knowledge of the petitioner / first accused that the *de facto* complainant was afflicted by Autism, which was concealed by the parents of the *de facto* complainant when the marriage was performed. When dispute arose between the parties, the *de facto*



complainant appears to have filed a private complaint before the learned Judicial Magistrate No.I, Trichy, which was referred to the respondent Police under Section 156(3) Cr.P.C., and pursuant to which the present case in Crime No.21 of 2015 was registered for the offences punishable under Sections 420 and 406 I.P.C.,

6. The learned counsel for the petitioner / first accused has produced the medical records, which show that the *de facto* complainant is suffering from impaired intelligence.

7. Taking into consideration the above facts, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner / first 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, Trichy, on condition that the petitioner / first 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 / first accused shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner / first accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / first 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 / first accused in accordance with law as if the conditions have been imposed and the petitioner / first 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]**.

8. 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/-
08/03/2016

/ TRUE COPY /

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



TO

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

+1. CC to M/S A.CHANDRAKUMAR Advocate SR.No.13167

ORDER

IN

CRL OP (MD) No.3036 of 2016

Date :08/03/2016

AA/NGM-SS/SAR-I/11.03.2016/3p-6c