



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

Tuesday, the Fifteenth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3734 of 2016

MAHENDRAN @ MAHESH

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP.BY
THE SUB INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT,
CR NO.56 OF 2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.R.ANBARASU Advocate

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

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

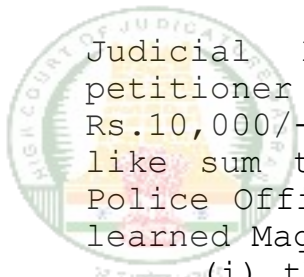
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 498(A), 451, 506(i) I.P.C., and Section 4 of T.N.P.H.W.Act, in Crime No.56 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.R.Anbarasu, learned counsel appearing for the petitioner / first accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that the petitioner / first accused got married to the *de facto* complainant on 12.02.2012 and they have no issues. Subsequently, their matrimonial life ran into rough weather, resulting in the petitioner / first accused filing a divorce petition, in H.M.O.P.No.39 of 2013, before the Sub Court, Thoothukudi. The *de facto* complainant has also filed H.M.O.P.No.71 of 2013 for restitution of conjugal rights before the same Court. In the meantime, the *de facto* complainant lodged the present complaint.

4. Taking into consideration the nature of allegations made against the petitioner / first accused, this Court is of the view that this is a fit case to grant anticipatory bail to him. 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, Tuticorin, 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) on or before 5th of every English Calendar month, to the credit of H.M.O.P.No.71 of 2013, before the learned Sub Court, Tuticorin, as ad interim maintenance without prejudice to his defence, until the disposal of H.M.O.P.No.71 of 2013 and on such deposit, the *de facto* complainant is entitled to withdraw the same.
- (ii) the petitioner / first accused shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (iii) the petitioner / first accused shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner / first accused shall not abscond either during investigation or trial.
- (v) 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]**.

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 petitioner is complying with the conditions or not.

sd/-
15/03/2016

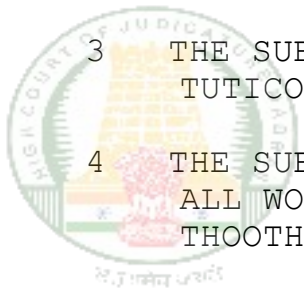
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TUTICORIN.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
THOOTHUKUDI.



3 THE SUBORDINATE JUDGE,
TUTICORIN.

4 THE SUB INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT,

5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.R.ANBARASU Advocate SR.No.15151

ORDER

IN

CRL OP (MD) No.3734 of 2016

Date :15/03/2016

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