



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

Thursday, the Twenty Eighth day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.6684 of 2016

WEB COPY

S. KAMALESHWARAN

... PETITIONER/ACCUSED-I

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM,
CRIME NO. 7 OF 2012.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.R.THAMOTHAR RAJ 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 :-

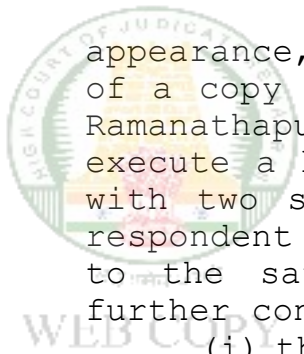
The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498(A) and 406 of IPC in Crime No.7 of 2012, on the file of the respondent Police, seeks anticipatory bail.

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

3. The respondent Police registered a case in Crime No.7 of 2012 and after completing the investigation, filed a Final Report in C.C.No.35 of 2013, before the learned Judicial Magistrate-I, Ramanathapuram for offences under Sections 498(A) and 406 of IPC against the petitioner and four others. Since the petitioner is working at Singapore, an absconding charge sheet was filed against him and Non-bailable warrant was issued against him by the learned Judicial Magistrate-I, Ramanathapuram in C.C.No.35 of 2013. While so, the petitioner has come out with present petition.

4. Today Seema @ Narayani, the defacto complainant is present in Court and she is identified by Mrs. Helanrani, Sub Inspector of Police, Ramanathapuram and she has filed an affidavit stating that she wants to be settled with her husband amicably and she has no objection to grant anticipatory bail to the petitioner.

5. In view of the above facts and circumstances of the case, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner / 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-I, Ramanathapuram, 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/-
28/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE-I, RAMANATHAPURAM.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECOR OF POLICE, ALL WOMEN POLICE STATION, RAMANATHAPURAM,
 - 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S R.R.THAMOTHAR RAJ Advocate SR.No.24581

ORDER
IN
CRL OP(MD) No.6684 of 2016
Date :28/04/2016