



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

Tuesday, the Seventh day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.8669 of 2016

NISHANTHAN

..PETITIONER/ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KULASEGARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO. 96 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.M.MOHAN GANDHI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

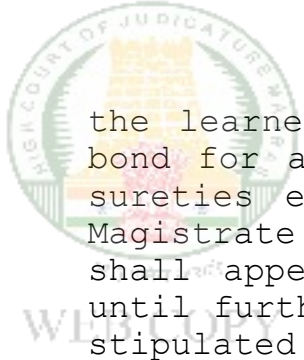
The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 376 and 506(ii) of IPC in Crime No.96 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is aged 52 years made a complaint before the respondent Police against the petitioner that the petitioner abused her and raped her by threatening her with knife.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that as per the complaint, the occurrence took place in the month of January 2016, but, she gave a complaint only on 09.04.2016. He further contended that on previous occasion the petitioner abused the defacto complainant, due to that defacto complainant has given a false complaint against the petitioner and prays for granting anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before



the learned Judicial Magistrate, Thiruchendur and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent Police daily at 10.00 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

07/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

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

4 THE INSPECTOR OF POLICE, KULASEGARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S S.M. MOHAN GANDHI Advocate SR.No.28401

ORDER IN

CRL OP(MD) No.8669 of 2016

Date : 07/06/2016

PBK/AAL-MPA/SAR-III 09/06/2016 ::2P-6C::