

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twelfth day of December Two Thousand Sixteen
PRESENT
The Hon`ble Mr.Justice A.SELVAM
CRL OP(MD) No.23207 of 2016

ANBURAJ

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT
(CRIME NO.62 OF 2016)

.... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.RAMESH Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying to grant anticipatory bail to the petitioner, who has been arrayed as first accused in Crime No.62 of 2016 on the file of All Women Police Station, Samayanallur.

2.It is averred in the petition that the petitioner is the husband of the de facto complainant by name Piriya Deva Mercy and he has been shown as first accused in Crime No.62 of 2016 registered under Section 498(A) of the Indian Penal Code and Section 4 of T.N.P.W.H. Act. Further it is averred in the petition that the petitioner is an innocent person and he has no connection whatsoever with the alleged offences and since the petitioner is having apprehension of arrest, the present petition has been filed for getting the relief sought therein.

3.The Inspector of Police, All Women Police Station, Samayanallur is not present. However the concerned Case Diary File has been submitted and this Court has perused the same and ultimately found that the wife of the petitioner as de facto complainant has given a complaint and the same has been registered in Crime No.62 of 2016 under Section 498(A) of the Indian Penal Code and Section 4 of T.N.P.W.H. Act against the husband and in-laws. Further it is seen from the Case Diary File that after receipt of the complaint the Inspector of Police, All Women Police Station has not examined even the de facto complainant. Since even the de facto complainant has not been examined and since the present petitioner is the husband of the de facto complainant, this Court is not inclined to grant anticipatory bail to the petitioner.

4.As adverted to earlier, even though the Inspector of Police, All Women Police Station, Samayanallur has received complaint as early as on 29.11.2016, even the de facto complainant has not been examined, this Court has denounced the conduct of the Inspector of Police, All Women Police Station, Samayanallur. Under the said circumstances, the following direction can be given to the Superintendent of Police (Rural), Madurai District.

5.In fine, this petition is dismissed. The Superintendent of Police (Rural), Madurai District is strictly directed to take appropriate action against the Inspector of Police, All Women Police Station, Samayanallur for lapses committed by her in connection with Crime No.62 of 2016. A copy of the order is ordered to be sent to the Superintendent of Police (Rural), Madurai District.

sd/-

12/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.2)

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT
- 2 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT OF POLICE (RURAL) ,
MADURAI DISTRICT.

सत्यमेव जयते
ORDER
IN

CRL OP (MD) No.23207 of 2016

Date :12/12/2016

anr/ck/sar2/19.12.2016/2p/4c

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