

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.BASKARAN

CRIMINAL ORIGINAL PETITION No.4666 of 2017

RAJASEKAR,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS,
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR, COIMBATORE DISTRICT.
CR.NO.8 OF 2017.

[RESPONDENT]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494 & 506(i) IPC in Crime No.8 of 2017 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the petitioner married the defacto complainant on 07.03.1988. Due to misunderstanding crept in between them, she left the matrimonial house along with her two children. Now he married another girl. On 06.01.2017, the defacto complainant lodged a complaint against this petitioner. Hence, a case had been registered against him.

3.Learned Counsel for the petitioner submitted that for nearly twelve years, both the petitioner and the defacto complainant was living separately and to wreck vengeance on him for the commission of act of second marriage, the defacto complainant lodged a complaint against him after a long period. He would further submit that petitioner is regularly paying the maintenance amount regularly as per the order passed in M.C.No.30/2017.

4.Learned Government Advocate (Crl. Side) submitted that the defacto complainant was harassed by the petitioner.

5.Considering the facts and circumstances of the case and also

taking note of the fact that the custodial interrogation of the petitioner may not be required at this stage, **this Court is inclined to grant anticipatory bail to the petitioner.**

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Coimbatore, subject to the following conditions:**

(ii) the petitioner 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of TWO weeks and thereafter as and when required for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial.

(vi) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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]**.

-sd/-
08/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR, COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges-sr.4462

CRL OP.4666/2017

Date :08/03/2017

ths : 09.03.2017