



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

Thursday, the Third day of August Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL OP(MD) No.10117 of 2017

GURUSAMY

... PETITIONER / ACCUSED 1

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
PULIYANGUDI POLICE STATION, TIRUNELVELI RURAL.  
(CRIME NO.337/17)  
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.KARTHIKRAJA Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

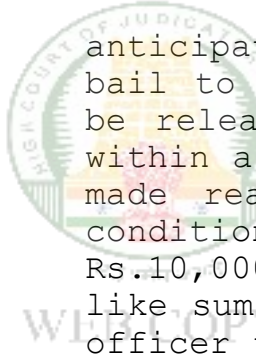
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(i), 417, 376, 379 (NH) of IPC & Section 4 of Tamil Nadu Harassment of Women Act in Crime No.337 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that A4 sexually assaulted the de facto complainant in an unnatural way and snatched the cell phone worthy about Rs.1,50,000/- and jewels worth about Rs.2 lakhs and all the accused threatened the defacto complainant with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that de facto complainant is having very bad history and several cases in various police station in all over Tamil Nadu are pending against the de facto complainant and a false complaint against the petitioner herein is lodged.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 4 accused in this case and the petitioner herein is arrayed as A1. He further submitted that A2 & A4 were arrested and released on anticipatory bail by this Court as per order in CrI.O.P.(MD)No.9740 of 2017 dated 28.07.2017 and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the co-accused were released on



anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Sivakiri on condition that 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 learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]on breach of any of the aforesaid conditions, the learned 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 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).

sd/-  
03/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKIRI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
PULIYANGUDI POLICE STATION, TIRUNELVELI RURAL,  
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.KARTHIKRAJA Advocate SR.No.28109

ORDER  
IN  
CRL OP(MD) No.10117 of 2017  
Date :03/08/2017