



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12006 of 2017

S.VIJAYA GOPAL

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT .

CR.NO.43 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ANAND Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

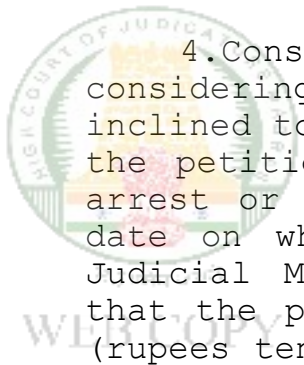
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 498(A), 294(b) and 506 (i) and Section 4 of Dowry Prohibition Act, in Crime No.43 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein is arrayed as A2 in this case and the anticipatory bail was granted along with other accused by this Court in Crl.O.P(MD)No.6942 of 2017, dated 07.08.2017. Since, the petitioner has failed to appear before concerned Court within stipulated time, he has filed this petition for the second time seeking anticipatory bail on the same set of facts. He further submitted that as per the direction of this Court the petitioner deposited a sum of Rs.1,000/- to the High Court Legal Services Committee attached to this Bench and produced the proof of payment. The condition imposed by this Court is properly complied with.

3.The learned counsel for the petitioner admitted the above facts and submitted that one surety was accepted by the concerned Magistrate and another one was rejected for want of executing sale deed of a property in question. Hence, this present petition is filed for the second time seeking anticipatory bail on the same set of facts. He further submitted that as per the direction of this Court, the petitioner deposited a sum of Rs.1,000/- to the High Court Legal Services Committee attached to this Bench and produced the proof of payment.



4.Considering the facts and circumstances of the case and also considering the compliance of condition imposed 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, Thirumangalam, Madurai District 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 weekly once ie. every Saturday 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/-

22/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.R.ANAND Advocate SR.No.31369

JAM/05.10.17/RR/SAR 2 / 2P-6C

ORDER

IN

CRL OP(MD) No.12006 of 2017

Date :22/09/2017