



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1149 of 2018

KALIRAJAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO.39/2018

... RESPONDENT/COMPLAINANT

SANKARI

...PETITIONER/INTERVENOR/
DEFACTO COMPLAINANT

For Petitioner : M/S.G.SATHYANARAYANAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervenor : MR.P.SAMUEL GUNASINGH, Advocate

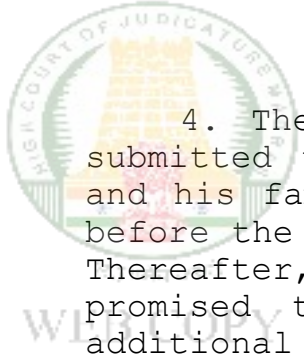
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.39 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 15.09.2013, thereby, due to the family dispute, the defacto complainant lodged a complaint against the petitioner. Hence, the case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.



4. The learned counsel appearing on behalf of the intervenor submitted that due to the unbearable harassment of the petitioner and his family members, the defacto complainant lodged a complaint before the All Women Police Station, Tirunelveli Town on 06.07.2016. Thereafter, the petitioner was called for enquiry, at that time he promised that he will not harass the petitioner by demanding additional dowry and thereby, the petitioner started harassing the defacto complainant and on 19.01.2018, at the instigation of his mother and sister, the petitioner brutally assaulted the defacto complainant and caused injuries. Hence, he prays for dismissal of anticipatory bail.

5. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is in progress.

6. The submissions made by the learned counsel on either side are considered. It is alleged that due to the family dispute, the defacto complainant lodged this complaint against the petitioner. According to the prosecution, the investigation is in progress. Further, except the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other petition mentioned offences are bailable in nature. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

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

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
05/02/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.G.SATHYANARAYANAN Advocate SR.No.2019

ORDER
IN
CRL OP(MD) No.1149 of 2018
Date :05/02/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/7c