



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2406 of 2018

S.XAVIER AMALANATHAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.
(CRIME NO.1 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AL.KANNAN, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

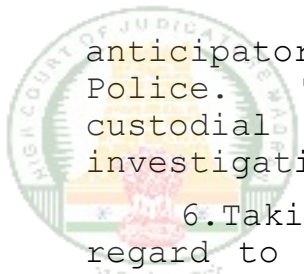
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 498 (A) and 506(i) of Indian Penal Code in Crime No.1 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the de facto complainant in the year 1998 and out of the said wedlock, two female children was born and they are aged about 17 & 15 years. After a lapse of 19 years, the de facto complainant made a complaint against the petitioner that the de facto complainant is being harassed by her husband. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that the petitioner and other accused have harassed the de facto complainant in order to get more dowry. On going through the records submitted by the learned counsel appearing for the petitioner, it is seen that earlier ie., on 03.10.2017, this Court granted anticipatory bail to this petitioner for the same offence. Subsequently, after granting



anticipatory bail, this case has been registered by the respondent Police. Therefore, observing the earlier order of this Court, custodial interrogation may not be necessary for completing the investigation.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tiruchirappalli 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 as and when required.

(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 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/-
15/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMAN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AL.KANNAN Advocate SR.No.2554

ORDER IN
CRL OP(MD) No.2406 of 2018
Date :15/02/2018