



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2666 of 2018

ARULDOSS

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSEPCTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
CR.NO.79/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ARUN PRASAD Advocate

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

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

ORDER : The Court Made the following order :-

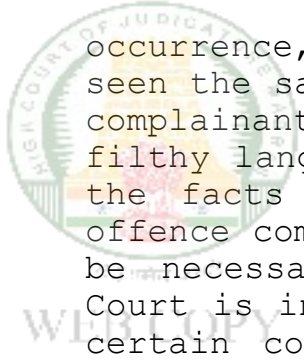
The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) of IPC., and Section 4 of Women Harassment Act, in Crime No.79 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 05.01.2018, at about 06.00 p.m. when the defacto complainant's daughter, namely, Usharani was taking bath, the petitioner being the neighbour is said to have seen the same, when the same was questioned, there was a wordy quarrel arose between them due to which the petitioner abused the defacto complainant by using filthy language. Hence, the present case has been registered against the petitioner for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of



occurrence, when the victim girl has taken bath, the petitioner has seen the same and thereafter, the same was questioned by the defacto complainant, due to which the petitioner herein abused her by using filthy language, thereby, he committed the offence. So, considering the facts and circumstances, and also considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. Therefore, 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 No.II, Thanjavur, 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 Kulithalai Town Police Station, daily at 10.30 a.m., until further orders;

(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/-
20/02/2018

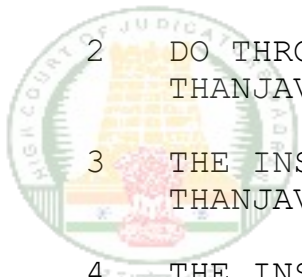
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

<https://hcservices.ecourts.gov.in/hcservices/>



- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSEPCTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION, THANJAVUR.
- 4 THE INSPECTOR OF POLICE,
KULITHALAI TOWN POLICE STATION, KULITHALAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.ARUN PRASAD Advocate SR.No.2830

ORDER
IN
CRL OP(MD) No.2666 of 2018
Date :20/02/2018

MKV-CM-SAR 4/23.2.2018/3P-7C