



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.29 of 2018

P.SURESHKUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE SUB - INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO. 241 OF 2017)

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.C.M.MARI CHELLAIAH PRABHU, Advocate
For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

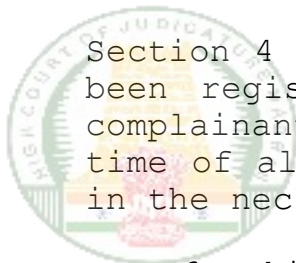
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.241 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner criminally intimidated one Dhanalakshmi in view of previous enmity between the both families and abused her in a public place.

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. The petitioner and the said Dhanalakshmi were fallen in love with each other and the same was opposed by their families, and also due to family dispute they foisted this false case against this petitioner and he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that investigation is not yet completed. The petitioner forcibly trying to tie up thali on the neck of the victim.

5.Considering the submissions made by either side, discloses that the offence under Sections 294(b), 323, 506(i) of IPC r/w



Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, has been registered against the petitioner. Admittedly, the defacto complainant and the petitioners are the close relatives. During the time of alleged occurrence the petitioner is trying to tie up thali in the neck of the victim.

6. Taking all the above said aspects into consideration, and having regard to the nature of offence, this Court comes to the conclusion that in order to complete investigation, custodial interrogation is not necessary. Accordingly this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before the learned Judicial Magistrate, Uthamapalayam.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on their executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Uthamapalayam.

(iii) The petitioner is directed to appear before the respondent Police daily at 10.00 a.m. for a period of one month.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigation Officer.

(v) 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/-
04/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE SUB - INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.29 of 2018
Date : 04/01/2018

MS/PN/SAR.1/09.01.2018/2P.6C