



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3675 of 2018

A.RAJESHWARAN

... PETITIONER/SINGLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
T.RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT
(CRIME NO. 8 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.SATHEESHKUMAR for
M/S.M.A.PALANISAMY Advocate

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

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

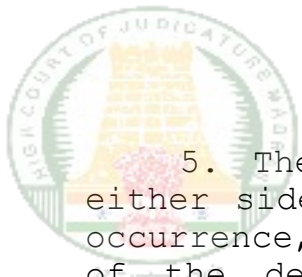
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, in Crime No.8 of 2018 on the file of respondent police. He apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323, 506(i) I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, he has filed this petition, in which he seeking relief of anticipatory bail.

2. The case of the prosecution is that the petitioner had illicit intimacy with de-facto complainant's daughter-in-law, when the defacto complainant questioned the same, the petitioner assaulted her and criminally intimidated. Thereby, the defacto complainant gave a complaint, on which a case has been registered against the petitioner.

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

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that injured has been discharged from the hospital. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged previous to the time of occurrence, the petitioner had illicit intimacy with daughter-in-law of the de-facto complainant, when the same was questioned the petitioner abused the de-facto complainant by using the filthy language and also assaulted her. As of now, the defacto complainant, who sustained injury during the time of alleged occurrence is discharged from the hospital after completing treatment. Except the offence under Section 506(i) of IPC and Section 4 of Women Harassment Act, all other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation 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, Usilampatti, 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 **Thoothukudi South Police Station, Thoothukudi** 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/-

09/03/2018

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



1 THE JUDICIAL MAGISTRATE,
USILAMPATTI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
T.RAMANATHAPURAM POLICE STATION, MADURAI DISTRICT

4 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI

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

+1. CC to M/S.N.SATHEESH KUMAR Advocate SR.No.3804

ORDER
IN
CRL OP (MD) No.3675 of 2018
Date :09/03/2018

SMA/VR/SAR-2/19.03.2018:3P/7c