



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

Wednesday, the Twenty First day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3984 of 2018

KOMBAIAH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT. (CRIME NO.2 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU 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, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 452, 354 and 506(ii) IPC in Crime No.2 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner unlawfully entered into the house of the defacto complainant and abused her in filthy language and also threatened her with dire consequences. Thus, on complaint, a case has been registered against the petitioner.

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

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/> 5.The submissions made by the learned counsel appearing on either side are considered.



6. It is alleged, on 09.03.2018, while the defacto complainant in her house along with two months Baby, the petitioner unlawfully entered into the house of the defacto complainant and abused her in filthy language and also threatened her with dire consequences. Considering the nature of offence committed by the petitioners, this Court came to the conclusion that the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

7. 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.I, Kovilpatti, 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 appear before the respondent Police daily 10.00 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 petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
21/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.1,
KOVILPATTI.

2 DO THOUGH THE CHIEF JUDICIAL
MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.PRABU Advocate SR.No.4507.

ORDER

IN

CRL OP (MD) No.3984 of 2018

Date :21/03/2018

SDS/PN/SAR.1/23.03.2018/3P/6C