



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4470 of 2018

GUNASEELAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLAM, THANJAVUR DISTRICT,
IN CR.NO. 1/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.S.MELTUE Advocate

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

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

ORDER : The Court Made the following order :-

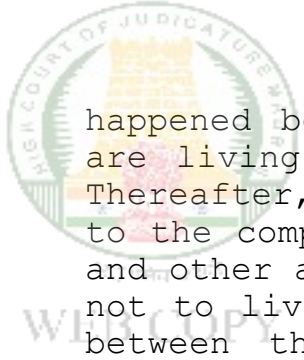
The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 312 and 506(i) IPC., in Crime No.1 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 01.08.2017, the petitioner, who is the husband of the defacto complainant and other accused forced the defacto complainant to undergo abortion against her will and also assaulted her. Hence, the present case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and 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 respondents 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 after the marriage



happened between the petitioner and the defacto complainant, they are living in the village at Panjaram for a period of four days. Thereafter, the defacto complainant got pregnant. Subsequently, due to the compulsion made by the petitioner, the pregnancy was aborted and other accused in this case compelled the defacto complainant for not to live with this petitioner. So, the alleged offence happened between the family members of the defacto complainant and the petitioner. Thereby, custodial interrogation may not be necessary for completing the investigation. Hence, 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 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 respondent police daily at 10.30 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 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/-
21/03/2018

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



1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLAM, THANJAVUR DISTRICT.

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

+1. CC to M/S.B.S.MELTIUE Advocate SR.No.56958

GJM/MM/PN/SAR-I-27.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.4470 of 2018

Date :21/03/2018