



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.11719 of 2017

ANTONY FLEX

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
KARUNKAL POLICE STATION,  
KANYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.RAJKUMAR SEN Advocate

For Respondent : MR.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 is arrayed as Accused No.3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 420, 465, 469, 471 of IPC r/w 4 of Tamilnadu Woman Harassment Act, in Crime No.98 of 2015, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused No.1 and defacto complainant in the year of 2008 studied the Nursing in Ramakrishna College of Bangaluru. Both are hailing from the native of Kanyakumari District. After completion of their studies the accused No.1 approached the parents of defacto complainant and express his willingness to marry the defacto complainant. But her parents refused to do so. Hence, the petitioner and accused No.1 threatened the defacto complainant and her family through phone. Hence, the defacto complainant lodged a complainant before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and did not commit any offence as alleged by the prosecution. He is only the attesting witness in the marriage certificate dated 14.05.2015 and no other overt act is attributed against him. Accused No.1 was released on anticipatory bail as per the order dated 07.03.2017 passed in CrI.O.P.(MD). No.23322 of 2016.

4.The learned Additional Public Prosecutor fairly admitted that the petitioner standing as a witness attested during the time of



registration of the marriage certificate. There is no allegation is levelled against this petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Additional Public Prosecutor, and considering the involvement of the accused in the alleged occurrence custodial interrogation is not necessary for completing the investigation, Therefore, I am 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 at 10.00 a.m. for a period of three weeks, thereafter as and when required for interrogation;
- (ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-  
02/01/2018

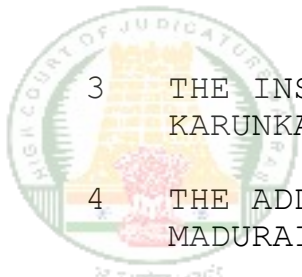
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ERANIEL.

<https://hcservices.ecourts.gov.in/hcservices/>  
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.



3 THE INSPECTOR OF POLICE,  
KARUNKAL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.A.RAJKUMAR SEN Advocate SR.No.10

ORDER

IN

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Date :02/01/2018

MKV-PM-PN-SAR 4/4.1.2018/3P-6C