



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

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.6684 of 2018

M.BASKAR

... PETITIONER/SOLE ACCUSED

Vs

STATE : THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.86/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. T.A.EBENEZER, Advocate

For Respondent : M/S.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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 506(i) and 379 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.86 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner taking advantage of the absence of the de-facto complainant's husband from India, on 16.03.2018 with a *mala fide* intention trespassed into the de-facto complainant's house and attempted to misbehave with her and took away the gold jewels and her mobile phone.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioner.

4.It is submitted by the learned Government Advocate (Criminal side) that earlier the petitioner had filed an application for anticipatory bail, which was dismissed by this Court on 02.04.2018. Subsequently, alteration report has been filed and Sections 448 and 379 IPC have been deleted.



5. Since the offence of theft was involved, subsequently, alteration report has been filed and the said provision has been deleted. The petitioner is now facing accusation only under Sections 294(b), 323 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Therefore, 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 before the learned Judicial Magistrate, Nanguneri, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/04/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S. T.A.EBENEZER, Advocate SR.No.7016

ORDER
IN
CRL OP(MD) No.6684 of 2018
Date :24/04/2018