



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20280 of 2018

T.SUNIL

... PETITIONER / 1st ACCUSED

Vs

THE STATE OF TAMIL NADU,
REP. BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI,
KANYAKUMARI DISTRICT.
(CRIME NO.28 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.R.NIRMAL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 406 IPC r/w Section 3(1) 4, 6 of the DP Act, 1961, in Crime No.28 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the erstwhile husband of the defacto complainant who is working in the Indian Army. On 10.05.2015, the petitioner and all other accused had attacked the defacto complainant in a brutal manner and tried to set fire on her by pouring kerosene.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and this Court already granted anticipatory bail to the other six accused persons in Crl.O.P.(MD) No.12961 of 2018, by order dated 26.07.2018. Further, he submitted that the petitioner has been living separately from the year 2013 and there is nothing to show what has been made against the petitioner to prefer a complaint at this point of time. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation is pending.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.1, Kuzhithurai, on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. I,
KUZHITHURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI,
KANYAKUMARI DISTRICT.

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

+1. CC to MR. C. K. M. APPAJI Advocate SR.No. 21556

ORDER

IN

CRL OP (MD) No. 20280 of 2018

Date : 13/11/2018

AE/RR/SAR2/19.11.2018/3P/6C