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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.17890 of 2018

BOMMURAJ ... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GUZILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.
(IN CRIME NO. 208 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.ANANDAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 420, 294(b), 506(ii) I.P.C in Crime No.208 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a M.B.B.S graduate, who has completed her studies in the year 2013 and working in a Clinic in Karur District. At that time, the petitioner is said to have visited her regularly. Thereafter, they loved each other and due to which, they had married on 25.06.2016, the defacto complainant being a transgender underwent a surgery to rectify her physical defects and thereafter, they have been living as husband and wife in Palayam for two years. During the period, the petitioner is said to have received cash at various times to the tune of Rs.3,00,000/-. On 17.10.2017, the parents of the petitioner coming to know about the petitioner's relationship with the defacto complainant, forcibly separated them and threatened the defacto complainant not to have any connection with the petitioner. For the past 7 months, the petitioner started avoiding the defacto complainant and become incommunicated. Despite the defacto complainant taking several steps to have reunion with the petitioner, he has not turned out. Thereafter, she lodged a complaint against the petitioner and his family members. The family members A-2 to A-5 have been already granted anticipatory bail in

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Crl.O.P.(MD).No.17813 of 2018, dated 08.10.2018.

3.Thereafter, this case was referred to mediation, wherein, the petitioner and the defacto complainant attended. The petitioner was willing to pay the alleged amount of Rs.3,00,000/- to the defacto complainant. The defacto complainant refused to receive the same. She wanted reunion and to live with the petitioner. The petitioner is not accepting the same.

4.The contention of the petitioner is that he is innocent and he had nothing to do with the alleged crime and hence, anticipatory bail may be granted to him. He further submitted that the petitioner is ready to repay the cash of Rs.3 lakhs to the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there is no previous case against the petitioner and investigation is going on.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vedasanthur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioner failed 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 daily at 10.00 a.m for a period of two weeks and thereafter 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].**

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

sd/-
18/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE
GUZILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.N.ANANDAKUMAR Advocate SR.No.23625

PS/JC/SAR-4/21.12.2018/3P/6C

ORDER
IN
CRL OP(MD) No.17890 of 2018
Date :18/12/2018

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