



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20623 of 2018

VR. BOOMINATHAN

... PETITIONER/ ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT
(CRIME NO.7 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.S.LOUIS 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 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 452, 494 and 506(i) IPC in Crime No.07 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the defacto complainant in the year 1987 and thereafter, the petitioner has been working in the foreign countries from the year 1991 to 2007. During which period, he had sent all his earnings to his wife who had purchased all the property in her name. When the petitioner doubted the character and activities of the defacto complainant, he had asked the particulars of the assets. Thereafter, the petitioner has sent a legal notice, dated 19.06.2018. Aggrieved over the same, the Defacto complainant lodged a false complaint against him.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He further submitted that the this Court granted anticipatory bail to the co-accused in Crl.O.P. (MD) No.19710 of 2018, dated 01.11.2018. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Crl.side) for the respondent police would submit 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, Devakottai, Sivagangai District, 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/-
20/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT



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

+1. CC to MR.S.LOUIS Advocate SR.No. 96450

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ORDER

IN

CRL OP (MD) No.20623 of 2018

Date :20/11/2018

MSI/PN/SAR-II/26.11.2018-3P/6C