

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.6289 of 2019

KANCHANA

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
CUDDALORE DISTRICT.
CR.NO.4 OF 2019.

For Petitioner : M/S.NIRMALESWAR.T Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 498 (A), 506(ii) of IPC and Section 4 of Tamilnadu harassment of Act, in Crime No.4 of 2019, has filed this petition seeks for Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police.

3. Considering the facts and circumstances of this case and also the specific stand taken by the respondent Police to resort to the procedure under Section 41A of the Code of Criminal Procedure, this Court directs the respondent Police to follow the procedure set out in Section 41A of the Code of Criminal Procedure. The respondent Police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum in RC.No.000252/Crime 4(2)/2019 dated 30.01.2019, as amended vide Circular Memorandum RC.No.000252/Crime 4(2)/2019 dated 07.02.2019. The petitioners shall comply with the terms of the notice and shall also co-operate with the investigation.

4. If the petitioner complies and continues to comply with the terms of the notice they shall not be arrested for the offences referred to therein. If, however arrest is deemed necessary after the appearance of the petitioner, the Investigation Officer shall record reason for such an eventuality as contemplated under Section 41A (3) of the Code of Criminal Procedure, and shall adhere to the directions set out by this Court in **State .Vs. Nakeeran Gopal** reported in **[2019 1 LW (Cr1.) 26]**

5. If the petitioner evades service of appearance notice or fails to comply with the terms of the notice or appears to be unwilling to identify himself when called upon, it shall be open to the respondent Police to proceed under Section 41A(4) of the Code of Criminal Procedure, to arrest the accused.

6. This Criminal Original Petition is disposed of with the aforesaid direction.

-sd/-
21/03/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.NIRMALESWAR.T Advocate on payment of necessary charges SR.NO.5897

CRL OP.6289/2019

Date :21/03/2019

TA-27/03/2019