



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4834 of 2019

GANDHI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY.
CRIME NO.4 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PRAKASH, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

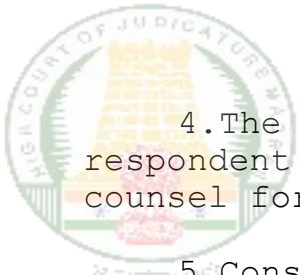
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 354(A)(1) (ii) of IPC in Cr.No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution is that the petitioner is Doctor. The defacto complainant is studying M.A (Eng literature) in Senthamarai Arts and Science College. His father is working as a film distributor and in order to look out the family she joined in the Clinic of the petitioner and worked as a part time employee. The further case is that the petitioner is said to have mis behaved with the defacto complainant . Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would also submit that infact earlier on 13.02.2019 the petitioner made a complaint against one Annam, Pavithra and defacto complainant and the respondent police registered a case in crime number 85 of 2019 and summons were sent to the defacto complainant and other parties. He would also submit that the petitioner is 72 years old and he is a genuine practitioner in the locality and prayed for anticipatory bail.



4. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that there are no serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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 Mahila Court, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/04/2019

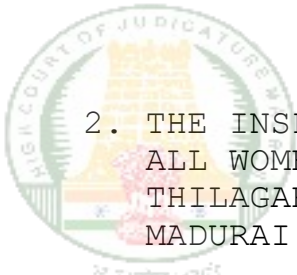
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,

<https://hcservices.ecourts.gov.in/hcservices/>
MAHILA COURT, MADURAI.



2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY.

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

+1. CC to Mr.M.PRAKASH, Advocate SR.No.6023

ORDER

IN

CRL OP (MD) No.4834 of 2019

Date :01/04/2019

MS/PN/SAR-4/04.04.2019/3P.5C