



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.6927 of 2019

PREM SIVA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DEVARAM POLICE STATION,
THENI DISTRICT.
CRIME NO.342 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.PRAKASH Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C., and subsequently altered into 306 IPC in Crime No.342 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.P.Prakash, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl. Side) appearing for the State.

3.The case of the prosecution is that the petitioner and the deceased were working in Kevin Engineering Company, Coimbatore and they fell in love with each other and the petitioner promised the deceased to marry her and subsequently, at the instigation of petitioner's mother, he refused to marry her, due to which, the deceased committed suicide. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to this petitioner.



5.The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6.The petitioner already filed petition for anticipatory bail before this Court and this Court also granted anticipatory bail vide order dated 03.11.2015, made in Crl.O.P.(MD)No.17984 of 2015. However, the petitioner was not in a position to arrange sureties within the stipulated time and utilise the earlier order. Hence, this second anticipatory bail petition came to be filed by the petitioner.

7.Taking into consideration the facts and circumstances of the case and there is no bad antecedent against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

8.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 on which the order copy was made ready before the learned Judicial Magistrate No.I, Bodinayakkanur on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., until further orders.

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

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

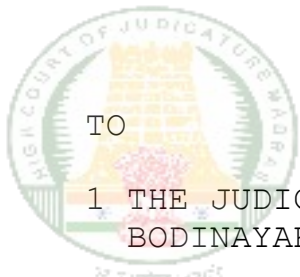
[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

15/05/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
BODINAYAKKANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DEVARAM POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.P.PRAKASH, Advocate (SR-8499[I] dated 16/05/2019)

ORDER

IN

CRL OP(MD) No.6927 of 2019

Date :15/05/2019

JM/PN/SAR 2/23.05.2019/3P/6C