



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 04/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7608 of 2019

M.Srinivasan

... Petitioner/Accused

Vs

State Represented through
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No. 262 of 2019.

... Respondent/Complainant

For Petitioner : M/s.J.William Christopher,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

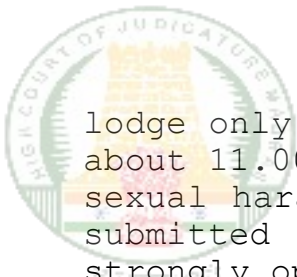
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506 (i) of IPC r/w 4 of Women Harassment Act, in Crime No.262 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He has further submitted that the defacto complainant and other transgenders were stayed in the petitioner's lodge and when the petitioner demanded rent, the defacto complainant gave a false complaint against the petitioner and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the defacto complainant and three other trans genders stayed in the petitioner's



lodge only for two days and during the said period, on 26.05.2019 at about 11.00 p.m., the petitioner entered into the said room and gave sexual harassment and also criminally intimidated them. She further submitted that the investigation is still pending and hence, she strongly opposed this petition.

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5. Taking into consideration of the aforesaid fact and circumstance 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
04/06/2019

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To

1.The Judicial Magistrate,
Thirumangalam.

2.The Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1. CC to Mr.J.William Christopher Advocate SR.No.9102

ORDER

IN

CRL OP (MD) No.7608 of 2019

Date : 04/06/2019

dss

TK/PN/SAR-2/11.06.2019/3P/6C