



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

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP (MD) No.9392 of 2019

HARIHARAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY  
THE SUB INSPECTOR OF POLICE,  
SANARPATTI POLICE STATION,  
DINDIGUL DISTRICT.  
(CRIME NO.248 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.V.P.RAJAN Advocate

For Respondent : M/S.V.NEELAKANDAN,  
ADDITIONAL PUBLIC PROSECUTOR

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 Section 294(b), 506(i) of IPC and Section 4 of Tamilnadu Prohibition of of Woman Harassment Act, in Crime No.248 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the husband of the defacto complainant misbehaved with the petitioner's wife and with regard to the same, a complaint was lodged on 25.05.2019 and based on the said complaint, a case was registered in Crime No.229 of 2019 for the offences under Sections 294(b) and 506(i) and section 4 of Prohibition of Woman Harassment Act and as a counterblast, the defacto complainant's husband instigated his wife and gave a false complaint against the petitioner on 30.05.2019 and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State has submitted that based on the complaint given by the



petitioner's wife already a case was registered against the defacto complainant's husband in Crime No.229 of 2019 on 25.05.2019 and only on 30.05.2019, the present FIR has been registered against the petitioner.

5. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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 No.III, Dindigul, 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 fails 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 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].

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

sd/-  
03/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. III  
DINDIGUL

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
DINDIGUL DISTRICT

3. THE SUB INSPECTOR OF POLICE,  
SANARPATTI POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.S.V.P. RAJAN Advocate SR.No.11048

ORDER

IN

CRL OP (MD) No.9392 of 2019

Date : 03/07/2019

JM/JC/SAR-1/15.07.2019/3P/6C