



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22508 of 2018

K.BALASUBRAMANIAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.259 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.THIRUVADI KUMAR, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

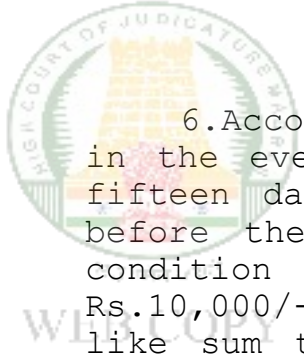
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 342, 354 and 506(i) of IPC in Crime No.259 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had misbehaved with women constable by name Sasikala on the intervening night of 10.12.2018 and the same was recorded in CCTV camera of the respondent police station and the same had gone viral in the media. Hence, the FIR came to be registered against the petitioner.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime. Now the petitioner is placed under suspension by the District Superintendant of Police, Tiruchirappalli.

4.The learned Government Advocate (Crl. Side) submits that the petitioner was placed under suspension by the Department itself.

5.Taking into consideration the facts of the case and since the petitioner is placed under suspension, this Court is inclined to grant anticipatory bail to the petitioner.



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.V, Tiruchirappalli, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.204

ORDER

IN

CRL OP(MD) No.22508 of 2018

Date :03/01/2019