



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10954 of 2019

P.Kishore Pandian,

... Petitioner/Accused No.1

Vs

The State of Tamil Nadu rep by
The Inspector of Police,
Gudalore North Police Station,
Theni District.
(Crime.No.139 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.Karuppasamy Pandiyan,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.139/2019 on the file of the
respondent police.

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 417,
376 and 506(ii) of IPC in Crime No.139 of 2019, seeks anticipatory
bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that after dismissal of the earlier anticipatory bail
application filed by the petitioner in Crl.O.P.(MD).No.8527 of 2019,
the petitioner and the defacto complainant got married and they are
living together and hence, he prays to grant anticipatory bail to
the petitioner.



4. The learned Government Advocate(Crl.Side) has fairly conceded that now the petitioner and the defacto complainant got married and the defacto complainant gave statement before the respondent police that she is willing to withdraw the complaint.

5. considering the aforesaid facts, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/08/2019

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



1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
GUDALORE NORTH POLICE STATION,
THENI DISTRICT

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

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.12952

ORDER
IN
CRL OP(MD) No.10954 of 2019
Date :02/08/2019

KM/VR/SAR-II (09.08.2019) 3P 6C