



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

Date : 18/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) . No.12927 of 2019

WEB COPY

Saravanan,

... Petitioner/Accused No.1

Vs

State Represented by
The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
(Crime No.12 of 2019).

... Respondent/Complainant

For Petitioner : M/s. A. Thiruvadi Kumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

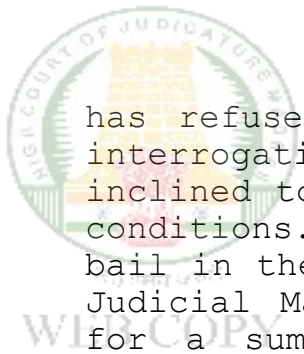
For Anticipatory Bail in Crime No.12 of 2019 on the file of
the respondent

ORDER : The Court made the following order :-

The learned Government Advocate (Crl. Side) initially submitted
that the offence is bailable and that this criminal original
petition may not lie.

2.As per the schedule to Criminal Procedure Code, if the
offence is punishable with imprisonment for less than three years or
with fine only, it would be a bailable offence. Section 4 of Tamil
Nadu Prohibition of Harassment of Women Act, 2002, is punishable
with imprisonment for a period upto three years. In other words,
the punishment prescribed in this case can be three year or less.
Only if the offence is punishable for less than three years then
alone it will be a bailable offence. I am therefore of the view
that the offence on hand is a non bailable one. Therefore, this
criminal original petition is maintainable.

3.I went through the contents of the FIR. It is seen that the
defacto complainant was in consensual relationship with the
petitioner for more than 10 years. Merely because the petitioner



has refused to marry, this case has been lodged. The custodial interrogation of the petitioner is not warranted. Hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kumbakonam, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

4. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
18/09/2019

/ TRUE COPY /

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

To

1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

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

+1CC TO MR.A.THIRUVADI KUMAR, Advocate in SR.No.15770

ORDER
IN
CRL OP(MD) No.12927 of 2019
Date :18/09/2019

IAS
AE/VR/SAR-IV (23.09.2019) 2P 6C