



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.408 of 2020

VADIVEL MURUGAN

... PETITIONER/ACCUSED RANK NOT KNOWN

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.126 OF 2019).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Maheswaran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.126 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner has filed this petition seeking anticipatory bail for the offences under Sections 294(b), 506(ii) of IPC and Section 4 of TNPHW Act and Section 66(E) of Information Technology Act in Crime No.126 of 2019.

3. The matter involves the honour of a woman.



4.The Intervenor's Counsel placed convincing material to show that the petitioner had been a party to the act of shaming the defacto complainant.

5.The defacto complainant was a contestant in the recently concluded local body elections. This Court, therefore, made it clear that if the petitioner surrenders before the respondent police, this Court will convert this petition for anticipatory bail to one of bail to grant him relief.

6. Today, when the matter was taken up for hearing, the petitioner's counsel stated that the petitioner surrendered before the respondent police on 18.01.2020 and is presently lodged in the District Prison, Perurani, Tuticorin District.

7. The petitioner, after coming out on bail, undertakes to execute an affidavit of apology, in which, he will not only express his sense of shame and regret for what he has done but also undertake that he will not repeat this act in future. Of-course, execution of such affidavit of apology will not be put against the petitioner in trial.

8. Recording this undertaking, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 learned Judicial Magistrate, Srivaikundam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
20/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
TUTICORIN DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON,
PERURANI, THUTICORIN DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-939[I] dated
20/01/2020)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-967[I] dated 20/01/2020)

ORDER

IN

CRL OP(MD) No.408 of 2020

Date :20/01/2020

RMI

JM/VR/SAR 2/20.01.2020/3P/8C