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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18580 of 2022

Ganesh Nagarajan

... Petitioner/Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
(Crime No.28 of 2022)

... Respondent

For Petitioner : M/s.Ganeshamoorthi A.D.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 28 of 2022 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 294(b), 417, 498(A) and 506(2) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.28 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the defacto complainant and subsequently, cheated her and also criminally intimidated her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is working as Lecturer in the Private Polytechnic College at Alangulam, Tenkasi District. The defacto complainant was already

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married one Ganesan in the year 2010 and subsequently, the complainant's husband died due to illness. The petitioner often went to the defacto complainant's shop for taking photocopy, but there was no continues relationship. He would further submit the occurrence said to have been taken place during the year 2021, whereas, the complaint was lodged only in the year 2022 and there was no explanation for inordinate delay. The petitioner is an innocent person and he has been falsely implicated in this case. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner married the defacto complainant and subsequently, cheated her. In this case, till now two witnesses have been examined and investigation is not yet completed. He would further submit that the co-accused was already granted anticipatory bail by this Court and the petitioner is not having any previous case at his credit.

5.Considering the facts and circumstances of the case and considering the fact of inordinate delay in lodging complaint and also the fact that the co-accused was granted anticipatory bail and the petitioner is not having any previous case at his credit, 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, Tenkasi, Tenkasi 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 FIF registered under Section 229-A IPC.

sd/-
26/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TENKASI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM, TENKASI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GANESHAMOORTHY A.D. Advocate SR.No.11938

ORDER
IN
CRL OP(MD) No.18580 of 2022
Date :26/10/2022

SS/GB/SAR II/07/11/2022/ 3P 6C