



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP (MD) . No.20965 of 2022

G.Meganathan

... Petitioner/Accused 2

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
Crime No.28 of 2022.

... Respondent/ Accused No.2

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/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 498(A) and 506(1) of IPC r/w Section 4 of Women Harassment Act, 2002, in Cr.No.28 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 married the de-facto 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 innocent and he has not committed any offence as

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alleged by the prosecution. He would further submit that co-accused has already been granted anticipatory bail by this Court, dated 06.10.2022 and 26.10.2022 in CrI.O.P.(MD)Nos.17743 and 18030 of 2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that A1 married the de-facto complainant and subsequently, cheated her. She would further submit that the petitioner, who is the father of A1 also criminally intimidated her and five witnesses were examined in this case and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been granted anticipatory bail and also the fact that five witnesses were examined in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(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]***; and;



(f) if the accused thereafter absconds, a fresh FIF be registered under Section 229-A IPC.



sd/-
28/11/2022

**(*) AMENDED AS PER ORDER OF THE COURT
DATED 12.01.2023 IN CRL MP(MD) No.684
of 2023 IN CRL OP(MD) No.20965 of
2022 by ADJCJ**

Time granted by this Court to comply with the condition imposed vide order dated 28.11.2022 in Crl.O.P.(MD) No.20965 of 2022 is extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/02/2023

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 28/11/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE, ALANGULAM, TENKASI DISTRICT.

2 THE JUDICIAL MAGISTRATE, TENKASI, TENKASI DISTRICT.

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM,
TENKASI DISTRICT.

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

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate 758

ORDER
IN
CRL OP(MD) No.20965 of 2022
Date :28/11/2022

SJI

MK/VR/SAR IV/13.12.2022/3P/6C
RK/MMS/SAR-4(02.02.2023) 3P/7C