



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16141 of 2017

S.MOHAMED YASIR ARAFATH

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ERVADI POLICE STATION, TIRUNELVELI DISTRICT,
TIRUNELVELI.
(CRIME NO.293 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

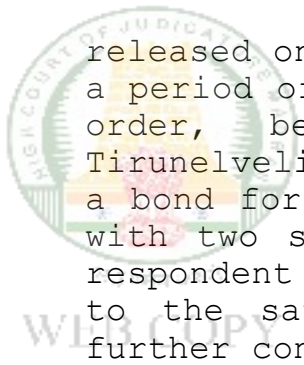
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 452, 323 and 506(i) of I.P.C, and Section 4 of TNPWH Act, in Crime No. 293 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that petitioner and the defacto complainant is none other than the husband and wife. Due to family dispute, the petitioner attacked his wife, thereby she sustained injuries and gave a complaint before the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that there was a family dispute, however, the defacto complainant filed a complaint before the respondent police.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that he did not dispute the facts of the case.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), that he did not dispute the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

(i) the petitioner shall report before the respondent Police, as and when required;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not commit any offence while on bail;

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

24/11/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ERVADI POLICE STATION,
TIRUNELVELI DISTRICT, TIRUNELVELI.

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

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.35156

ORDER

IN

CRL OP(MD) No.16141 of 2017

Date :24/11/2017