

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13990 of 2018

M.MOHAMED YAZHER

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN (WEST) POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.286 OF 2018.

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the alleged offence punishable u/s.494, 294 [b], 506[i] of IPC in Crime No.286/2018, seek anticipatory bail.

2. The case of the prosecution is that the wife of the petitioner who is arrayed as A1, had left the matrimonial home and started living with the petitioner herein along with her son and that in the School Certificate of the son of A1, the petitioner is cited as the father.

3.Heard both sides.

4.The learned counsel for the petitioner submits that the petitioner is falsely implicated in the case and that he is nothing to do with the alleged offence and the occurrence is said to have taken place during the year 2016 ; whereas the complaint has been given by the defacto complainant only on 25.03.2018.

5.Having regard to the nature of allegations found in the complaint, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before

the learned Judicial Magistrate, no.VII, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN (WEST) POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR NO.9669

CRL OP.13990/2018

Date :30/05/2018

MK:31/05/2018