



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

Thursday, the Tenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7581 of 2018

N.YOSUF WASIM RAJA,

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI ALL WOMEN POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO.14/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.SABEER MOHAMED, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 406, 498(A) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.14 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the husband of the de facto complainant, and other accused are said to have demanded additional dowry for conducting business. The de facto complainant refused to pay the same. Therefore, the petitioner and other accused are said to have harassed the de facto complainant. Hence, on complaint, the present complaint has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that the occurrence was taken place on 07.10.2013 and that the co-accused was released on bail by an order dated 04.11.2016 made in Crl.O.P.14807 of 2016 and that the investigation is still pending.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Tirunelveli 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 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 the respondent police daily at 10.30 a.m., until further orders.

[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)**.

sd/-

10/05/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI ALL WOMEN POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.I.SABEER MOHAMED, Advocate SR.No.8392

ORDER IN

CRL OP(MD) No.7581 of 2018

Date : 10/05/2018