

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1829 of 2021

1 C.CHARLES ABRAHAM [PETITIONERS / ACCUSED]
2 J.CHRISTOPHERRAJ
3 C.DOROTHY
4 ASSIR MANOVA JEBA MANI

Vs

1 STATE REP BY, [RESPONDENTS]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PULIYANKULAM,
COIMBATORE DIST-641 045.
CR NO.1/2021.

2 SUKANYA JESMINE
D.NO.208, THIRUMURUGAN NAGAR, NEHRU NAGAR,
KALAPATTI, COIMBATORE (R2 IS SUO MOTU
IMPLEADED AS PER ORDER IN CRL.O.P.NO.
1829/2021 DATED 05.02.2021)

For Petitioner : M/S.M.SARFUDEEN ALI AHAMED Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 498A, 506 (ii) of I.P.C and 66E of Information Technology Act in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and other petitioners are in-laws of the defacto complainant. It is alleged that the petitioner and in-laws

harassed the defacto complainant and driven her from the matrimonial home. Hence, the complainant.

3.The learned counsel appearing for the petitioners would submit that there was some family dispute between the first petitioner and the defacto complainant, due to which a false complaint has been lodged against the petitioners and the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the first petitioner along with other petitioners ill-treated the defacto complainant and harassed her and the first petitioner had filed a restitution of conjugal rights petition before the Family Court, Coimbatore in ID O.P.No. 1106 of 2020 and the same is pending. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the occurrence had taken place due to matrimonial dispute and the first petitioner is the main accused, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed with regard to first petitioner and with regard to second, third and fourth petitioners they are only in-laws of the defacto complainant, this court is inclined to grant anticipatory bail to the second, third and fourth petitioners with stringent conditions.

6.Accordingly, the second, third and fourth petitioners 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 Additional Mahila Court cum Judicial Magistrate, Coimbatore, on condition that the second, third and fourth petitioners 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: सत्यमेव जयते

(a) the second, third and fourth petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second, third and fourth petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the second, third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second, third and fourth petitioners 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 second, third and fourth petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2021

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 ADDITIONAL MAHILA COURT CUM JUDICIAL MAGISTRATE,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PULIYAKULAM, COIMBATORE DISTRICT - 641 045.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SARFUDEEN ALI AHAMED Advocate on payment of
necessary charges SR.NO. 5383

CRL OP.1829/2021

Date :27/04/2021

MN-13/05/2021