



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8514 of 2021

1 ASIR MANOVA JEBAMANI [PETITIONERS / ACCUSED]
2 J.CHRISTOPHER RAJ
3 C.DOROTHY
4 KOILDURAI
5 KIRIT V SHAH

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
ALL WOMEN POLICE STATION EAST COIMBATORE,
PULIYAKULAM (EAST),
COIMBATORE - 641 045.
(CRIME NO.4 OF 2021)

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

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

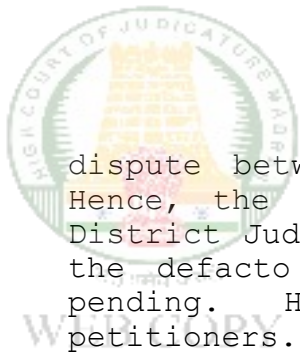
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Section 406, 498-A, 506(ii) of IPC in Crime No.4 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 others are relatives of the first petitioner. There was a wordy quarrel and matrimonial dispute between the first petitioner and the defacto complainant, due to which, they harassed the defacto complainant and she has been subjected to cruelty. Hence, the present complaint was lodged by the defacto complainant .

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there was a wordy quarrel and matrimonial



dispute between the first petitioner and the defacto complainant. Hence, the first petitioner filed a petition before the Principal District Judge, Coimbatore for restitution of conjugal rights against the defacto complainant in IDOP.No.116 of 2020 and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to matrimonial dispute between the first petitioner and the defacto complainant, the present complaint was filed Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and with regard to first petitioner/husband, there was some allegations made against him, this court is not inclined to grant anticipatory bail to the first petitioner/husband. With regard to other petitioners 2 to 5, being in-laws to the defacto-complainant and relatives of the first petitioner, there was no serious allegations levelled against them and hence, this Court is inclined to grant anticipatory bail to the other petitioners .

6.Accordingly, petitioners to 2 to 5 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 petitioners 2 to 5 shall execute a seperate bonds 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:

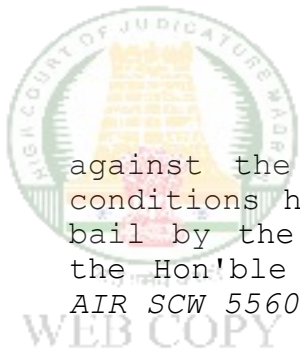
(a) petitioners 2 to 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) petitioners 2 to 5 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) petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) petitioners 2 to 5 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 petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

7. This Criminal Original petition is dismissed as against the first petitioner/husband.

-sd/-
17/08/2021

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 EAST COIMBATORE,
PULIYAKULAM (EAST), COIMBATORE - 641 045.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.SARFUDEEN ALI AHAMED Advocate on payment of necessary charges

CRL OP.8514/2021

Date :17/08/2021

CSK 01/09/2021