



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.21378 of 2021

ASIR MANOVA JEBAMANI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
EAST COIMBATORE, PULIYAKULAM EAST,
COIMBATORE CITY, COIMBATORE-641 045,
CRIME NO. 4 OF 2021

[RESPONDENT]

For Petitioner : M/S. M.SARFUDEENALIAHAMED Advocate

For Respondent : MR.S.SUGENDRAN, Govt. Advocate (Crl. Side)

For Intervenor : M/s.G.ARUNKUMAR Advocate

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 alleged offence under Sections 406, 498A, and 506(ii) of IPC in Cr.No.4 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant and other accused persons are relatives of the petitioner. There was a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner and his family members harassed the defacto complainant and threatened her. Hence, the present complaint was registered against the petitioner and other accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and due to family dispute, the defacto complainant has lodged a false complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submitted that this is the second bail application of the petitioner. The learned counsel further submitted that the petitioner has filed a petition for restitution of conjugal rights before the Principal District Judge, Coimbatore in IDOP No.116 of 2020 during the year 2020 and the same is pending and the present complaint has filed by the defacto complainant in the year 2021. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Additional Mahila Court cum Judicial Magistrate, Coimbatore, 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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 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]; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/11/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
EAST COIMBATORE, PULIYAKULAM EAST,
COIMBATORE CITY, COIMBATORE-641 045,

5 THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

+2 CC to M/S. M.SARFUDEENALIAHAMED Advocate on payment of
necessary charges Sr.12947

CRL OP.21378/2021

Date :16/11/2021

RVR 13/12/2021