



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20780 of 2021

1 C.SIVARAMAN
2 CHINNASAMY
3 VELUMANI
4 C.SURESH KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, (WEST)
COIMBATORE CITY,
COIMBATORE DISTRICT
(CRIME NO. NOT KNOWN OF 2021)

[RESPONDENT]

For Petitioner : M/S S.N.SUBRAMANI Advocate

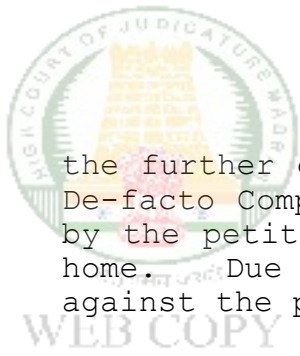
For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 294(b) & 506(ii) of I.P.C in Cr.No.Not known of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the De-facto Complainant and the 1st petitioner was solemnized on 13.02.2013. Due to misunderstanding between them, the 1st petitioner filed a divorce petition in which an ex-parte decree was passed in HMOP No.153 of 2019 by the Principal Family Court, Coimbatore. It is



the further case of prosecution that during the matrimonial life, the De-facto Complainant was threatened and was abused in filthy language by the petitioners and she was deserted and was sent to her parental home. Due to which the De-facto Complainant had lodged a complaint against the petitioners before the law enforcing agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel further submitted that the De-facto Complainant was demanding money continuously from the 1st petitioner under one pretext or the other and that for medical treatment and the 1st petitioner had spent a lot of money however as the amount asked for by the De-facto Complainant was not paid by the 1st petitioner, a false complaint has been lodged against the petitioners. Hence he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the investigation is underway in this case and the De-facto Complainant stated that only for the purpose of absolving themselves from the penal prosecution, the divorce petition was filed and an ex-parte decree was obtained. Hence, the vehemently opposed to grant anticipatory bail to the petitioners.

5.In view of the above submissions and as there are pointed out allegations levelled against the 1st petitioner, this Court is not inclined to grant anticipatory to the 1st petitioner. However as there are no specific allegations against the other petitioners made by the De-facto Complainant, this Court is inclined to grant anticipatory bail to the petitioners 2, 3 & 4.

6.Accordingly, the 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 Judicial Magistrate-II, Coimbatore, on condition that each of 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;



(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 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;

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

-sd/-

02/11/2021

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 JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, (WEST)
COIMBATORE CITY,
COIMBATORE DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.N.SUBRAMANI
charges SR.No.12364

Advocate on payment of necessary

CRL OP.20780/2021

Date :02/11/2021

APN 16/11/2021