



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.22412 of 2021

C.SIVARAMAN

[PETITIONER / ACCUSED]

Vs

THE 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 : MR.S.BALAJI, Govt. 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 alleged offence under Sections 406, 294(b) and 506(II) of I.P.C. in Cr.No.not known of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 13.02.2013 and due to misunderstanding, the petitioner filed petition seeking divorce in H.M.O.P. No.153 of 2019 before the Principal Family Court, Coimbatore and also obtained exparte decree on 27.04.2021. It is alleged that during the matrimonial life the petitioner abused the defacto complainant using filthy language and threatened her with dire consequences.

3.The learned counsel appearing for the petitioner would submit that though the petitioner obtained exparte decree in the petition seeking divorce filed by him, the petitioner is now ready to live with the defacto complainant, however, the defacto complainant is refusing to live along with him.

4.The learned Government Advocate (Criminal Side) submitted that the defacto complainant refuses to live along with the petitioner.



5.This is the second anticipatory bail petition. The petitioner is now ready to live with the defacto complainant, however, the defacto complainant is refusing to live along with him. Hence, considering the change in circumstances, 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 Judicial Magistrate No.II, 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. for a period of two weeks and thereafter as and when required for interrogation;

(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/-
30/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY



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.

+1CC to M/S. S.N.SUBRAMANI Advocate on payment of necessary
charges SR.NO.13798

CRL OP.22412/2021

Date :30/11/2021

CSK 03/12/2021