



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23951 of 2021

C.CHARLES ABRAHAM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION PULIYAKULAM,
PULIYANKULAM,
COIMBATORE CITY,
COIMBATORE -641 045.
CRIME NO.1 OF 2021.

[RESPONDENT]

For Petitioner : M/S.SANKARASUBBU, Advocate for
M/S.M.SARFUDEENALIAHAMED Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 406, 498A, 506(ii) of IPC and 66E of Information Technology Act in Cr.No.1 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. It is alleged that the petitioner and in-laws of the defacto complainant harassed the defacto complainant and driven her from the matrimonial home. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that in the earlier occasion, this Court has granted anticipatory bail to the in-laws of the defacto



complainant and pointing the petitioner as main accused, has refused to grant anticipatory bail with regard to the petitioner. However, the petitioner is now ready to join with the defacto complainant for which, he has also filed a restitution of conjugal rights petition before the Family Court, Coimbatore in ID.O.P.No.1106 of 2020 on 03.11.2020 and the summon of the said ID.O.P.No.1106 of 2020 was also served to the defacto complainant. Thereafter, the defacto complainant lodged a complaint against the petitioner and her in-laws and the said fact was not brought before this Court while deciding the bail application in favour of the in-laws. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that he did not dispute the fact submitted by the learned counsel for the petitioner.

5. Considering the fact that the petitioner is ready to join with the defacto complainant and since, the restitution of the conjugal rights petition in ID.O.P.No.1106 of 2020 has been brought to notice of this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 anticipatory 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/-
09/12/2021

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,
PULIYANKULAM, COIMBATORE CITY,
COIMBATORE -641 045

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SARFUDEENALIAHAMED Advocate on payment of
necessary charges SR.NO.14492

CRL OP.23951/2021

Date :09/12/2021

JPA 20/12/2021