



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.349 of 2022

M.Karunanithi

...Petitioner

Versus

The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
(Crime No.659 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.659 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.Jeremiah for Mr.P.Sathya

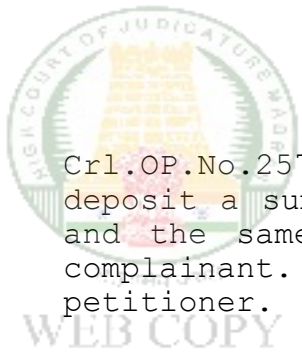
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(i) and 420 of IPC, in Crime No.659 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are three accused in this case. The petitioner herein is arrayed as A2/father-in-law of the defacto complainant. The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacto complainant which was pending in HMOP.No.1017 of 2021. Thereafter, the present FIR has been registered by the defacto complainant against her husband (A1) and in-laws A2 and A3 as a revenge. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that A3/mother-in-law of the defacto complainant has been granted anticipatory bail by this Hon'ble Court in



Crl.OP.No.25723 of 2021 dated 23.12.2021 with the conditions to deposit a sum of Rs.5,00,000/- to the credit of Crime No.659 of 2021 and the same has been complied by A3/mother-in-law of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and the investigation is still pending. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the co-accused A3 has been released on bail with the condition to deposit a sum of Rs.5,00,000/- to the credit of crime number 659 of 2021 has also been complied, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.VI, 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 on every Tuesday 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.

WEB COPY

-sd/-

07/01/2022

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.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to P.SATHIYAMURTHY Advocate on payment of necessary charges
SR.NO.477

CRL OP.349/2022

Date :07/01/2022

RW 12/01/2022