



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.643 of 2022

1.Kavitha
2.Varun Praneel

... Petitioners

Vs.

The State through
Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
(Crime No.856 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners 1 and 2 on bail in the event of
their arrest in Crime No.856 of 2021 pending on the file of the
respondent police.

For Petitioners : Mr.Sundarrajan
For M/s.V.A.Dhana Aravindha Balaji
Dated:12/01/2022

: Mr.V.A.Dhana Aravindha Balaji
CRL.MP.NO.2302/2022 IN CRL.OP.NO.643/2022
Dated :28/02/2022

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
Dated:12/01/2022

: MR.L.Baskaran, Govt. Advocate(CRL. SIDE)
CRL.MP.NO.2302/2022 IN CRL.OP.NO.643/2022
Dated :28/02/2022

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323 and 506(2) of IPC and Section 4(1) of Tamilnadu Women
Harassment Act, seek anticipatory bail.



2. The case of the prosecution is that the petitioners 1 and 2 have threatened the defacto complainant for the alleged extra marital affair between the defacto complainant and the husband of the 1st petitioner. Hence, the complaint.

3. The learned Counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits present case was a counter case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that investigation almost completed and there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with the following condition.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned (*) Judicial Magistrate-VI, Coimbatore**, on condition that the petitioners 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:

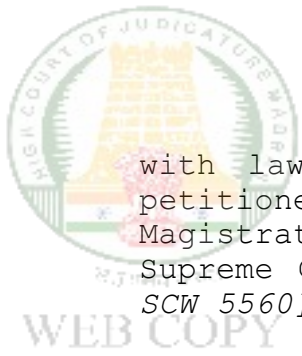
[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for an interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance



with law as if the conditions has been imposed and the petitioners is 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/-

12/01/2022

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)Amended as per order of this Court Dated 28/02/2022 made in CRL.MP.NO.2302/2022 IN CRL.OP.NO.643/2022.

TO

**(*)1 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.**

2 THE JUDICIAL MAGISTRATE,
NO.IV, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S V.A.DHANA ARAVINDHA BALAJI Advocate on payment of necessary charges SR.No.3034

CRL OP.643/2022

Date :12/01/2022

TA-31/01/2022

CSK 08/03/2022