



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

CrI.O.P.No.1849 of 2022

WEB COPY

Parthiban

...Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail, pending investigation in Crime No.659 of 2021 on the file of the respondent police.

For Petitioners : M/s.P.Sathiyamurthy

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 06.01.2022 for the offences 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 bail.

2. The case of the prosecution is that the petitioner, who is the husband of the defacto-complainant is arrayed as main accused in this case. The defacto complainant who is none other than the wife of the petitioner has preferred a complaint before the respondent police alleging that the petitioner has borrowed money from his wife as well as from her relatives which was not repaid by the petitioner. In this regard, due to difference of opinion, HMOP No.1017 of 2021 was filed before the Principal Family Court, Coimbatore. Thereafter, the present FIR has been registered by the defacto complainant against her husband (A1) and in-laws A2 & A3 as a revenge. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, the petitioner is falsely implicated in the above case and further, the petitioner is ready to co-operate with the investigation. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection stating that the petitioner was arrested based on the complaint filed by the defacto-complainant. Investigation is on in this regard.

5. Having considered the facts and circumstances of the case, the fact that the investigation is under progress and also the petitioner is said to have cheated to the tune of Rs.14 Lakhs by way of borrowing money and jewels and the mother in law of the defacto-complainant also deposited a sum of Rs.5,00,000/- as per order of this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Considering the above facts and circumstances of the case and also also considering the undertaking given by the petitioner that he is ready to deposit an amount of Rs.50,000/- in Crime No.659 of 2021, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only] to the credit of Crime No.659 of 2021 before the learned Judicial Magistrate No.VI, Coimbatore, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- and also Rs.5,00,000/- deposited by her mother-in-law in another Crl.O.P, on proper identification and acknowledgment;

(c) the petitioner shall execute two sureties for a sum Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.VI, Coimbatore within 15 days from the date of commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand dismissed automatically;

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(e) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
25/01/2022

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 OFFICER INCHARGE,
SUB JAIL, SATHYAMANGALAM.



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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.SATHIYAMURTHY Advocate on payment of necessary
charges SR.NO.1169

CRL OP.1849/2022

Date :25/01/2022

RW 27/01/2022