



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10970 of 2022

1 BRINDHA
2 RAMASUBBU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
D3, PODHANUR POLICE STATION,
COIMBATORE
(CRIME NO.469 OF 2021)

[RESPONDENT]

For Petitioners : M/S B.KUMARASAMY Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 120, 120B, 202, 203, 312, 315, 316 & 318 of IPC in Crime No.469 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

3. On a perusal of records, it is seen that there is a family dispute between the complainant and the accused. The complainant previously filed a complaint in D.V.A.No.162 of 2020 pending on the file of Special Magistrate Court (Domestic Violence Prevention Cases), Coimbatore. In that petition, in paragraph No.5 she has stated that on 08.01.2020, the petitioner/de facto complainant herein went to the



hospital due to severe abdominal pain and there, the de facto complainant's theamniotic sac was broken and the fetus was aborted. In this petition, there is no allegation against these petitioners caused the abortion without the consent of the complainant.

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4. Considering the facts and circumstances of the case, the custodial interrogation of the petitioners is not necessary in this case and hence, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Coimbatore, on condition that each of the each petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent Police as and when required for interrogation;

(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 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/-
12/05/2022

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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
COIMBATORE.

2 THE INSPECTOR OF POLICE,
D3, PODHANUR POLICE STATION,
COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S B.KUMARASAMY Advocate on payment of necessary
charges SR.NO.7064

CRL OP.10970/2022

Date :12/05/2022

JPA 13/05/2022