



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25768 of 2021

1.C.Kalichamy
2.C.Sivakumar

... Petitioners

Versus

The State represented by its,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
(Crime No.1171 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.1171 of 2021 pending on the file of the respondent police.

For Petitioners: Mr.K.Myilsamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

For Intervenor : Mr.S.Arjun

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(i) of IPC in Crime No.1171 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the 1st petitioner. The petitioners are blood brothers. The 1st petitioner is working in Bangalore as an Engineer. Due to some matrimonial dispute, the defacto complainant filed a divorce petition as against the 1st petitioner before the Family Court at Coimbatore and the same is pending, till date. Once in six



months the 1st petitioner will visit and create problems. On 15.12.2021 the 1st petitioner has demanded the defacto complainant to withdraw the divorce petition, for which she was not co-operated so the 1st petitioner along with 2nd petitioner threatened the life of defacto complainant with dire consequences and abused her in filthy languages. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the divorce petition is still pending before the Family Court, Coimbatore. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the defacto complainant has no source of income, on the other hand the 1st petitioner is Engineer by Graduation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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 No.2 at 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as interim maintenance until modified by the Court of Law to the credit of the daughter's account within first week of every English Calendar month and shall produce the said receipt before the Court below.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners are directed to report before the respondent police as and when requires for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/01/2022

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.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S K.MYILSAMY Advocate on payment of necessary charges

CRL OP.25768/2021

Date :03/01/2022

RW 06/01/2022