



Crl.O.P.No.977 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A of IPC and Section 67 of Information Technology Act, in Crime No.9 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to matrimonial dispute, the petitioner abused the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to a matrimonial dispute, a false case has been registered against the petitioner. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is the husband of the defacto complainant and they got



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married in the year 2005. He would also submit that the defacto complainant is working as a Deputy Tahsildar at Ooty. He would further submit that the petitioner has abused the defacto complainant due to matrimonial dispute between them. Further, he would submit that the petitioner has also filed a divorce petition in H.M.O.P.No.111 of 2022 before the Family Court, Ooty, Nilgiri District and the same is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also the fact that there was matrimonial dispute between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Considering the nature of the family issue between the parties, this Court directs the petitioner to go for mediation with the defacto complainant at Mediation and Conciliation Centre, Coimbatore District on 24.01.2023 through legal services for three sittings.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Additional Mahila Court, Ooty, Nilgiri District**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 monthly twice i.e., on the 1st and 3rd Saturday of every month at 10.30 a.m. for a period of eight weeks;**

[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;



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[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]**;

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

12.01.2023

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Copy to:

1.The Mediation and Conciliation Centre,
Coimbatore District.

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