



Crl.O.P.No.7044 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 448, 294(b), 323, 379 and 506(i) of IPC in Crime No.522 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant /Uma is that on 04.05.2022, A1, who is her husband, along with his relatives have trespassed into her house and committed theft of cash, jewels and electronic items. When it was questioned by the defacto complainant, the accused have threatened her with dire consequences. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant and there was a matrimonial dispute between the petitioner and the defacto complainant, for which, the petitioner has filed H.M.O.P.No.1017 of 2022 and the same is pending before the Family Court, Coimbatore. He would further submit that the defacto complainant, who is the wife of the petitioner, in order to harass



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the petitioner, has been repeatedly filing cases after cases and this is the fourth case filed against him. He would submit that the case of matrimonial dispute has been exaggerated as a case of theft. He would further submit that the alleged occurrence is stated to have been taken place on 04.05.2022, but the complaint has been preferred only on 03.11.2022. Thereby, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) for the respondent Police would submit that the petitioner is the husband of the defacto complainant and other accused are relatives of the petitioner. There was a matrimonial dispute pending against the petitioner and the defacto complainant. The petitioner along with his relatives have trespassed into the house of the defacto complainant and committed theft of cash, jewels and other articles. When it was questioned by the defacto complainant, the petitioner along with his relatives have threatened her with knife and also intimidated her. Hence, he opposed for grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate No.VI, Coimbatore 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 daily at 10.30 a.m., until further orders;

[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;

[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;

11.04.2023

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