



Crl.O.P.No.9395 of 2023

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and

Crl.M.P.No.6724 of 2023

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offences punishable under Sections 498A, 406 IPC and Section 4 of the TNPHW Act in Crime No. 79 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Vishnupriya is that she got married to the petitioner on 10.09.2021 at Coimbatore. After marriage, their relationship was not cordial and subsequently, her husband who is the petitioner herein, forced the defacto complainant to have unnatural sexual relationship with him and when the defacto complainant informed the said act of the petitioner to her in-laws, they have not supported her and also forced the defacto complainant to accept the said act of her husband. Later all the accused have joined together and harassed the defacto complainant and demanded additional dowry for a sum of Rs.25 lakhs. During the month of January 2022 to



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February 2022, the petitioner along with his friends sexually abused the defacto complainant and had also taken private photos of the defacto complainant and threatened her stating that the photographs taken by them will be uploaded in the social media. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. The defacto complainant has given a false and exaggerated complaint by making wildd and false allegations against the petitioner as if, the petitioner had sexually harassed the defacto complainant. The petitioner understands that the defacto complainant has made specific allegations regarding dates of sexual abuse and on verification, it was found that the allegations made by the defacto complainant were absolutely false. He would further submit that as of now, investigation has been completed and final report has also been filed and hence, the custodial interrogation of the petitioner may not be required, and thereby, he would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side)



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appearing for the respondent submitted that the petitioner along with his parents, harassed the defacto complainant and demanded excess dowry and the petitioner has sexually harassed the defacto complainant along with his friends. He would further submit that the petitioner had taken private photos of the defacto complainant and also threatened her stating that it will be uploaded in the social media. He would further submit that investigation has been completed and final report has also been filed before the Additional Mahila Court, Coimbatore on 29.03.2023 in filing SR No.15172 of 2023.

5. The learned counsel for the intervenor would submit that the petitioner/accused had not only spoiled the life of the defacto complainant but he also threatened her stating that the private photographs of defacto complainant would be uploaded in the social media. He would further submit that jewels of the defacto complainant are also with the petitioner's family members and proper investigation has not been done by the respondent police and therefore, the defacto complainant has filed a protest petition against the final report. Hence, he vehemently opposed to



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grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Additional Mahila Court, 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



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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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] The petitioner shall surrender his passport before the Judicial Magistrate, Additional Mahila Court, Coimbatore at the time of furnishing sureties and the petitioner shall appear before the trial court on the dates fixed by the trial court.

[c] the petitioner shall not tamper with evidence or witness during trial;

[d] the petitioner shall not abscond during trial;

[e] 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, as laid down by the Hon'ble Supreme Court in



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P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];
and;

[f] if the petitioner herein thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

9. Accordingly, the Criminal Original Petition is ordered.
Consequently, connected miscellaneous petition is also closed.

23.06.2023

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A.D.JAGADISH CHANDIRA, J.



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