



Crl.M.P.Nos.10397 & 10395 of 2023 in Crl.O.P.No.9395 of 2023

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A.D.JAGADISH CHANDIRA,J.

This petition has been filed to modify the condition No.8(b) imposed upon the petitioner vide order dated 23.06.2023 in Crl.O.P.No.9395 of 2023, in respect of surrendering 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.

2. Learned counsel for the petitioner would submit that the matter arises out of matrimonial dispute. This Court, by an order dated 23.06.2023, has granted anticipatory bail to the petitioner and the condition No.8(b) imposed upon the petitioner is that “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.” He would further submit that the petitioner is working as Main Consultant in Buraga Consulting Pty. Ltd., P.O.Box 9, Brunswick Place, Taylors Hill, Victoria-3037 and the petitioner's company had entered into a business contract with



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a firm in Australia and being the Main Consultant, his presence at Australia is very much required to sustain his career and thereby, he would seek that the condition to surrender the passport may be modified. He would further submit that the petitioner is ready to file an affidavit before the Judicial Magistrate, Additional Mahila Court, Coimbatore, at the time of furnishing sureties that he will co-operate for the speedy disposal of the cases pending against him and will not delay the proceedings. The learned counsel would further submit that the petitioner's father is also ready and willing to deposit the original title deeds of his residential house at Coimbatore viz., No.88, Maheshwari Nagar, 4th Cross VK Road, Coimbatore South, Peelamedu, Coimbatore, to the credit of Crime No.79 of 2022 as security and thereby, he would seek for modification of the above mentioned condition imposed on the petitioner.

3. At this juncture, the learned counsel appearing for the intervenor/de-facto complainant would object stating that the petitioner is delaying the progress of the pending litigations between them and he would object for the modification of the condition imposed on the petitioner.



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4. Learned Government Advocate (Criminal Side) would submit that investigation has been completed and Final Report has also been filed before the concerned Court.

5. Heard the learned counsel for the parties and perused the affidavit dated 22.07.2023 and memo filed on behalf of the petitioner with list of documents offered as surety and counter affidavit filed by the intervener.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and also the sworn affidavit filed by the petitioner, the abovesaid condition 8(b) is modified as under:

8(b) The petitioner's father shall surrender the original title deed of his residential property at No.88, Maheshwari Nagar, 4th Cross VK Road, Coimbatore South, Peelamedu, Coimbatore to the credit of Crime No.79 of 2022 at the time of furnishing sureties.

8(b)(i) The petitioner shall also file an affidavit of undertaking before the Judicial Magistrate, Additional Mahila Court, Coimbatore to the effect that “he shall co-



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operate for disposal of all the proceedings pending between the petitioner and the intervener and he would also make himself available as and when his presence is insisted by the courts for the progress of the cases”.

The other conditions shall remain unaltered.

7. The period for execution of sureties is extended by two weeks from today (31.07.2023). With the above modifications, these Criminal Miscellaneous Petitions stand ordered.

31.07.2023

Note: Issue order copy forthwith.

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