



Crl.O.P.No.19790 of 2023

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Reserved On	07.09.2023
Pronounced On	13.09.2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 354D and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.209 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant namely, Sulthana Begum and the petitioner got marriage in the year, 2015 and due to the difference of opinion of the *de-facto* complainant, she has parted from the petitioner and living with her son at her parental house at Coimbatore. Subsequently, she has filed cases in Family Court at Coimbatore which is pending is from 2017. She is working in Forcesight Online Solution Pvt Company at Azhagesan Road, Saibaba Colony. On 17.08.2023 morning, when she was going to work in a two-wheeler, someone had followed her and took a photo of her. She ignored and went to the office, but, the unknown person who followed her was standing



near her office. When she caught the unknown person with the help and enquired him, he revealed his name as Sarankumar (A2), who works at Detective and Security Service at Coimbatore and his company MD one Sivaprakasam has directed him to collect the details of the *de-facto* Complainant and when she enquired the said Sivaprakasam, she came to know that the petitioner has engaged him. Hence the complaint has been lodged by the *de-facto* complainant before the respondent and the same was registered in Crime No.209 of 2023 for the offence under section 120 (B), 354 (D) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002).

3. The learned counsel for the petitioner would contend that the estranged wife of the petitioner, who is living separately has lodged a complaint in Crime No.205 of 2017 before the All Women Police Station, Ramanathapuram in the year 2017 and the said case has resulted in C.C.No.1327 of 2019 before the Additional Mahila Court, Coimbatore and the same is pending. She has also given a false complaint under Protection of Women from the Domestic



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Violence Act, 2005 in D.V.C.No.383 of 2017 before the Additional Mahila Court, Coimbatore. She has also filed a maintenance case in M.C.No.168 of 2017 before the Family Court, Coimbatore and also a Civil suit in O.S.No.392 of 2019 against the petitioner and others, claiming right over the property and all the cases are pending. The petitioner has also filed O.S.No.65 of 2017 before the Family Court, Coimbatore, to declare the marriage as null and void, but, the same was dismissed for default and the petitioner has also filed restoration petition and the same is pending for consideration. He further stated that the only intention of the *de-facto* complainant/wife is to harass the petitioner and his family members and hence, he seeks for the pre-arrest bail.

4. The learned Government Advocate(Crl.side) stated that the *de-facto* complainant is the wife of A1/petitioner herein. A1 has engaged the service of A2 & A3, who are the persons employed in “Coimbatore Detective and Security Services” at Ramakrishnapuram, Ganapathy, Coimbatore for conducting surveillance on the wife as towards her movements. Hence, A2 &



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A3 stalked behind the *de-facto* complainant/wife. She informed the police and they got hold of A2 & A3 and from the statement of the A2 & A3, it came to light that they have been engaged by her husband to watch her movements. The matter is under investigation.

5. There are five cases pending between the husband and wife, out of which three cases are on the criminal side and two cases are on the civil side. Considering the fact that the matter is in preliminary stage of investigation, overt act alleged as against the petitioner, I am not inclined to grant anticipatory bail to the petitioner for the present.

6. Accordingly, this Criminal Original Petition is dismissed.

13.09.2023

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