



Crl.O.P.No.27681 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/A1 seeks anticipatory bail in Crime No.37 of 2023 registered by the respondent police for the offences under Sections 498(A), 406 and 506(1) IPC.

2. The learned Government Advocate (Criminal Side) stated that the marriage between the petitioner and the defacto complainant took place on 10.11.2021. Immediately thereafter, the petitioner and the defacto complainant had moved over to the United States of America and a property had also been purchased at 6602 Autumn Sunset Lane Spring, Texas, 77379, USA in the name of the Petitioner herein.

3. It is stated that there are allegations about the flow of consideration for such purchase but the learned counsel for the Petitioner is very categorical in his statement that according to the law as is prevalent in Texas, in any property standing in the name of the husband, the wife would also have an equal share. This statement is recorded.



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4. It is also contended by the learned counsel for the Petitioner that an affidavit in this regard is also available. The main allegation by the defacto complainant is about demands for dowry and also that there are several articles of gold and silver retained by the petitioner herein. He also stated that there are other Accused who had been granted anticipatory bail.

5. The saga between the petitioner and defacto complainant continued. The petitioner had filed an application in HMOP No.679 of 2023 before the Principal Family Court at Coimbatore and for good measure, the defacto complainant had also filed an application in HMOP No.993 of 2023 seeking restitution of conjugal rights. Not to be left out, the mother of the petitioner/the mother-in-law of the defacto complainant had filed DVC No.150 of 2023 before the jurisdictional Magistrate Court at Coimbatore as against the defacto complainant. All these only reflect that the parties have affinity for filing complaint/filing petitions against each other.

6. Quite apart from the First Information Report registered by the respondent herein, the defacto complainant had also given an independent complaint before the jurisdictional authority at Texas at United States of



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America and the petitioner had appeared there and later, it is stated that they had closed the case. The details of the same has not been disclosed in the complaint lodged before the respondent by the defacto complainant.

7. The learned counsel for the defacto complainant stated that the crux of the complaint in United States of America was about not returning the jewels like Gold and Silver, which is also the subject matter of the complaint lodged before the respondent herein. This conduct of going over to various authorities for the same set of grievances cannot be appreciated by this Court.

8. Taking an overall view particularly the pendency of the applications in HMOP Nos.679 and 993 of 2023 before the Principal Family Court, Coimbatore, which Court will provide an opportunity to both the parties to participate in counselling session, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions. **If the petitioner seeks to go abroad, then, he must get necessary permission from the jurisdictional Magistrate, namely, the Additional Mahila Court Magistrate Level at Coimbatore. At the time of executing sureties, the**



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petitioner must also file an original affidavit, dated 09.03.2024, wherein, the petitioner had affirmed that the defacto complainant also has an equal share in the house at United States of America, before the Additional Mahila Court Magistrate Level at Coimbatore, apart from producing two sureties. The Principal Family Court at Coimbatore which has to examine the averments made in HMOP Nos.679 and 993 of 2023 may also take upon itself the responsibility, while deciding the marital disputes and status of both the parties, about the return of gold and silver articles, which are said to be retained by the petitioner, to the detriment of the defacto complainant. 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 Additional Mahila Court Magistrate Level, 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 conditions that :



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[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] If the petitioner seeks to go abroad, then, he must get necessary permission from the jurisdictional Magistrate, namely, the Additional Mahila Court Magistrate Level at Coimbatore. At the time of executing sureties, the petitioner must also file an original affidavit, dated 09.03.2024, wherein, the petitioner had affirmed that the defacto complainant also has an equal share in the house at United States of America, before the Additional Mahila Court Magistrate Level at Coimbatore, apart from producing two sureties. The Principal Family Court at Coimbatore which has to examine the averments made in HMOP Nos.679 and 993 of 2023 may also take upon itself the responsibility, while deciding the marital disputes and status of both the parties, about return of gold and silver articles, which are said to be retained by the petitioner, to the detriment of the defacto complainant.



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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