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Crl OP No.2047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2047 of 2025

UMANATH

S/o. Veerappan, No. 29/40-A, A.G.Pudhur,
Irukur, Coimbatore District

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
All Women Police Station, Sulur, Coimbatore
District. (Crime No. 13 of 2025)

Respondent(s)

For Petitioner(s):

Narayana Prasadh

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 85, 296(b) & 115(2) of BNS 2023, in Crime No.13 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner (A1) is the husband of the *de-facto* complainant; that A2 had illicit intimacy with the petitioner; that the petitioner was an alcoholic and used to pick up



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frequent quarrels with the *de-facto* complainant; that when the *de-facto* complainant came to know about the illicit intimacy, she questioned the petitioner and the petitioner abused the *de-facto* complainant in filthy language and assaulted her.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are husband and wife; that suspecting the character of the petitioner, the defacto complainant has lodged a false complaint against the petitioner as if he abused her and assaulted her in the matrimonial home and that custodial interrogation of the petitioner is not necessary in this case. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) reiterated the averments in the complaint and submitted the case is now being transferred to AWPS, Coimbatore and opposed the grant of anticipatory bail.

5.Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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6.Considering the nature of the allegation, it is a case of matrimonial dispute and since the custodial interrogation of the victim is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate, Sulur**, 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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[b] the petitioner shall report before the AWPS East Coimbatore, twice a week 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 269 BNS.

05-02-2025

drl/dk

To
1. The State Rep by, The Inspector of Police,
All Women Police Station,
Sulur,
Coimbatore District.
(Crime No. 13 of 2025)