

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.200 of 2020

1. Uthayakumar
2. Jothi
3. Saravanan
4. Maragathavalli

... Petitioners

vs.

State rep by
Inspector of Police,
All Women Police Station,
Thiruvarur, Thiruvarur District.
(Crime No.19 of 2019)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2019 on the file of the Inspector of Police, All Women Police Station, Thiruvarur, Thiruvarur District..

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498-A of IPC and in Section 4 of TNPHW Act 2002, in Crime No.19 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of A1 and their marriage was solemnized on 02.07.2018. Due to matrimonial dispute, the petitioners abused and assaulted the defacto complainant with hands and thereby, the defacto complainant sustained injuries. Hence, the case was registered against the petitioners on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there are some difference of opinion between

the spouses which has led to the filing of the complaint. He also submits that A2 to A4 are in-laws of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to dowry demand, there are some differences between the spouses, owing to which, the husband/A1 and his family members assaulted the defacto complainant in which she sustained injuries. He further submit that the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Since the dispute was between the warring spouses, considering the fact that there is a possibility of amicable settlement, this Court referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai - 600 104. The 1st petitioner and the defacto complainant were directed to appear before mediation centre, but inspite of efforts, no settlement was arrived between the parties and hence the matter has been posted before this Court. In view of the fact that no settlement could be reached between the parties and further taking into consideration that the complaint is on the basis of a matrimonial dispute and that the injured person has since been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavur, Thiruvavur District, on condition that each of the the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 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 interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR, THIRUVARUR DISTRICT

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.200/2020

Date :21/06/2021

RVR 12/07/2021