

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5038 of 2021

1 S.SHANTHI [ PETITIONERS / ACCUSED ]  
2 M.SAKTHIVEL  
3 S.DEEPAN VIJAY

Vs

STATE REP.BY ITS [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
VADAVALLI POLICE STATION,  
VADAVALLI,  
COIMBATORE DISTRICT.  
CR.NO.60 OF 2021.

For Petitioner : M/S.V.P.SENGUTTUVEL, Advocate for  
M/S.A.THIYAGARAJ, Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S.R.SASIKUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

**(The case has been heard through video conference)**

The petitioners, who apprehend arrest in connection with the case in Crime No.60 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 341, 324,506(ii) of IPC and Section 4 of The Tamil Nadu Prohibition of Harassment of Woman Act, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioners are A1 to A3. The de facto complainant is stated to be the mother of the 3rd petitioner's wife. The 3rd petitioner married one Kiruthika, daughter of the de facto

complainant in the year 2019. Thereafter, due to misunderstandings, she was said to be driven out from the matrimonial home and she has been living at her parental abode. Earlier, when the petitioner moved an application before this court seeking police protection, this court has permitted her to share the household with the husband and her in-laws. The said order was subsequently modified permitting the petitioners to stay in the ground floor and the wife of the 3rd petitioner in the first floor. The allegation is that the de facto complainant along with her daughter, the wife of the 3rd petitioner, went there, the petitioners quarrelled with them and also attacked them. Hence, the case came to be registered on a complaint from the mother in law of the 3rd petitioner.

4. The learned counsel for the petitioners would submit that there exists matrimonial dispute between the 3rd petitioner and the daughter of the de facto complainant and on 03.03.2021 there was a wordy quarrel between the parties in which the both the parties attacked each other and caused injuries. There has also been a counter case registered against the de facto complainant party on the complaint from the accused party. The learned counsel for the petitioners would submit that one of the petitioners was injured and no one sustained injury on the side of the de facto complainant. The petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned counsel for the intervenor would oppose the petition for anticipatory bail. He would submit that despite the order from the court in favour of the daughter of the de facto complainant to share the household with her husband and in-law, the petitioners prevented her from entering into the house and there was a quarrel in which the petitioners attacked the de facto complainant and her daughter and caused injuries.

6. The learned Additional Public Prosecutor would fairly submit that the occurrence had taken place due to matrimonial dispute between the 3rd petitioner and his wife and there is also a counter case registered against the de facto complainant party in Crime No.63 of 2021. According to him, no one sustained grievous injury and the injured had been discharged hospital.

7. Considering the nature of dispute and also the fact that there is also a counter case registered against the de facto complainant party and all other circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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-VI, Coimbatore**, on each of them executing 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 condition that:-

[b] 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.

[c] the petitioners shall report before the respondent police as and when required by the police for interrogation.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners have been released on bail by the learned Magistrate himself /Trial Court 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-

15/03/2021

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

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VADAVALLI POLICE STATION,  
VADAVALLI,  
COIMBATORE DISTRICT.

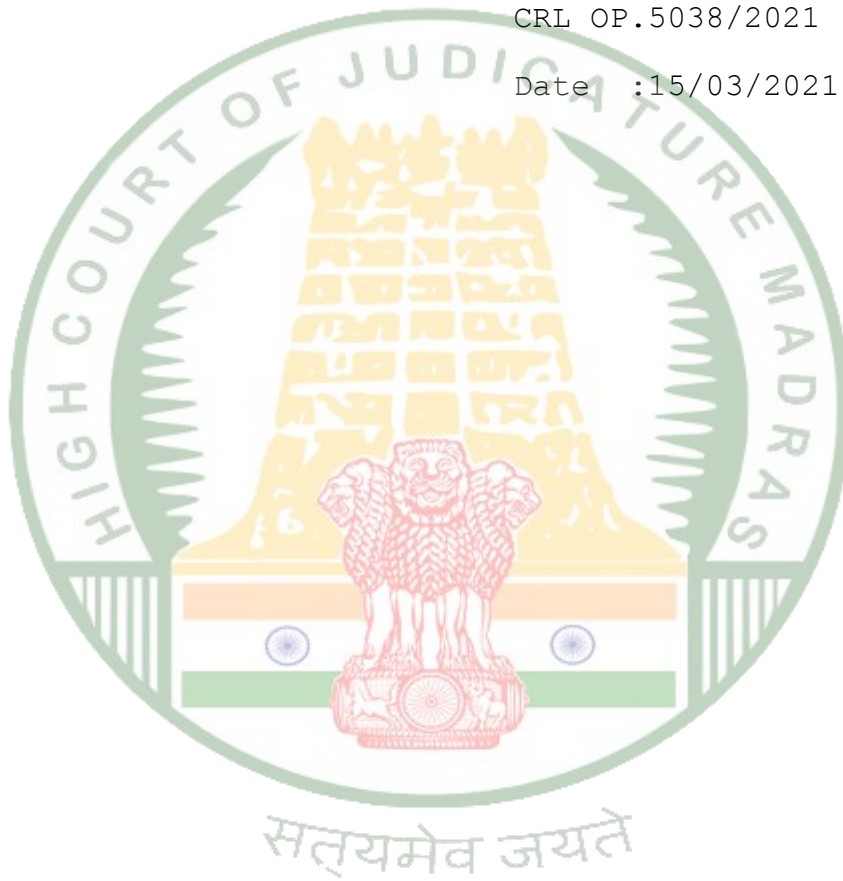
+3 CC to M/S.A.THIYAGARAJAN Advocate on payment of necessary  
charges SR.NO. 3345

+1 CC to M/S.R.SASIKUMAR, Advocate on payment of necessary  
charges SR.NO.3361

CRL OP.5038/2021

Date :15/03/2021

TA-18/03/2021



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