

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9093 of 2021

1. Kiruthika Vadivu, W/o.Deepan Vijay

2. Vasanthi, W/o.Swarnamageshwaran

3. Swarnamageshwaran

all at No.3, South Kattukottai,
Periyakollapatti, Mallasamuthiram,
Tiruchengode Taluk, Namakkal District.

... Petitioners

Vs.

State of Tamil Nadu

Rep. by The Inspector of Police,

Vadavalli Police Station,

Coimbatore, Coimbatore District.

Cr.No.63 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.63 of 2021 on the file of the respondent police.

For Petitioners

: Mr.S.Giritharan

for Mr.L.Vinoth

For Respondent

: Mr.A.Damodaran

Government Advocate

(Crl. side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 355, 506 (ii) of IPC read with Section 4 Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.63 of 2021, seek anticipatory bail.

2. According to the prosecution, the defacto complainant's husband Sakthivel has lodged a complaint on 18.04.2021, alleging theft of his vehicles by the 3rd petitioner and others, resulting in registration of a case in Crime No.125 of 2021. The further case of the prosecution is that already due to matrimonial dispute, in a wordy quarrel, the petitioners have abused and attacked the defacto complainant and caused injuries. The petitioners are arrayed as A1 to A3. The first petitioner/ A1 is the daughter-in-law of the defacto complainant and the other petitioners are the parents of the 1st petitioner and thereby, the defacto complainant lodged the present complaint before the respondent police.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and would further submit that there is a matrimonial dispute and further 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 petitioners and the defacto complainant were directed to appear before mediation centre and no settlement was arrived between the parties and hence the matter has been posted before this Court.

4. The learned Additional Public Prosecutor would submit that the petitioner removed the vehicles of the defacto complainant with an ulterior motive. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the family dispute between the parties as well as the mediation proceedings pending between them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.VI, Coimbatore, on condition that the each of the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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:

[a] the petitioners 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] the petitioners shall report before the respondent police 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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

26.05.2021

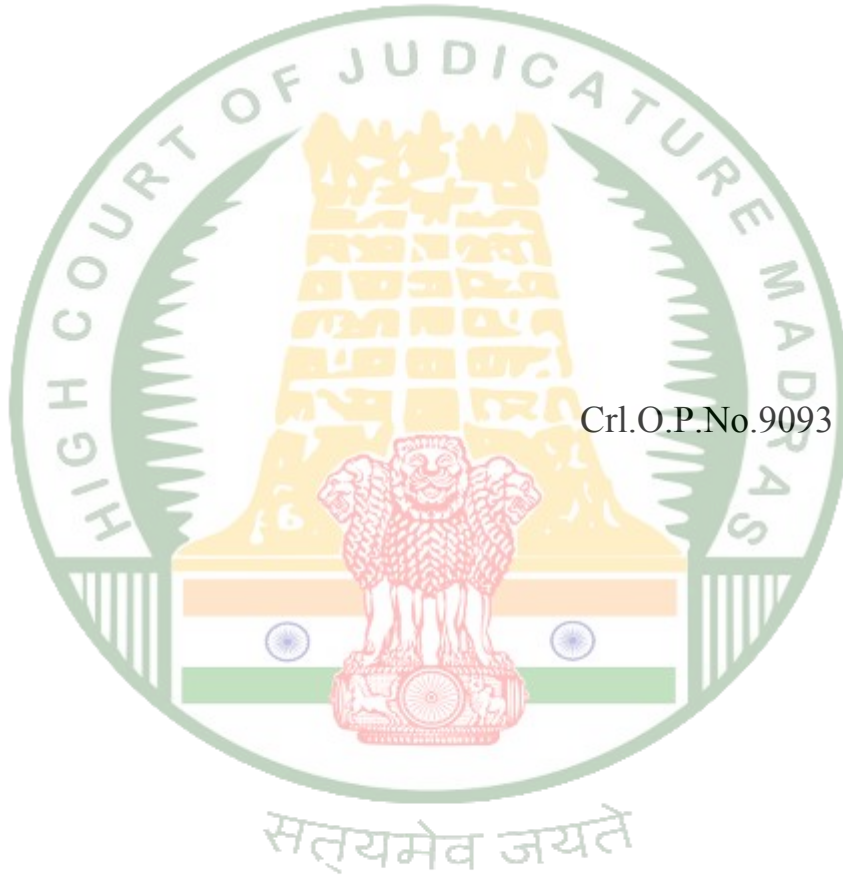
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To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police, सत्यमेव जयते
Vadavalli Police Station,
Coimbatore, Coimbatore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

T.V.THAMILSELVI, J.

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