



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21155 of 2021

1 KAYALVIZHI
2 PANDURANGAN
3 HARIKRISHNAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT
CRIME NO.446 OF 2021

[RESPONDENT]

For Petitioner : M/S E.KANNADASAN Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

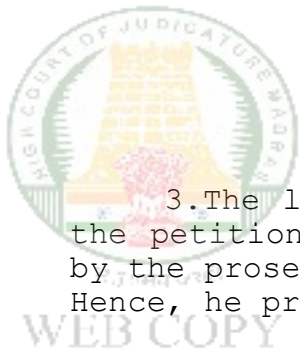
For Intervener : M/S.Y.KAJA NAVAS, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences Under Sections 380, 294(b), 506(i) of I.P.C, in Crime No.446 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the husband of the first petitioner. The second and third petitioners are the Father-in-law and Brother-in-Law of the defacto complainant. It is alleged that there was a matrimonial dispute between the first petitioner and the defacto complainant. While so, on 18.08.2021, there was a wordy altercation arose between them, due to which the first petitioner left the matrimonial home along with 100 sovereigns of gold jewels and other property documents. Hence the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel appearing for the petitioners submits that the petitioners are no way connected with the occurrence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor submits that A1 and the defacto complainant were blessed with two male children. He further submits that A1 has no source of income and he further request the Court that this matter may be referred to Mediation Centre for amicable settlement.

5. The learned Additional Public Prosecutor submits that the defacto complainant filed a Domestic Violence Proceedings before the Learned Judicial Magistrate, Arcot and he further submits that he has no objection for referring the matter to Mediation Centre.

6. Considering the fact that the defacto complainant wanted for reunion and also considering the welfare of the children, this Court is inclined to grant anticipatory bail to the petitioners and further the matter is referred to the Mediation and Conciliation Centre at Vellore for the purpose of solving the issue between the petitioner and the defacto complainant.

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 J.M., No. III, Vellore on condition that the petitioners 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 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 appear 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/-
10/11/2021

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,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
ARCOT.

4 THE INSPECTOR OF POLICE,
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE OFFICER INCHARGE,
THE MEDIATION AND CONCILIATION CENTRE AT
VELLORE.

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

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO.12602

+1 CC to M/S Y.KAJA NAVAS Advocate on payment of necessary
charges SR.NO.12591

CRL OP.21155/2021

Date :10/11/2021

RW 18/11/2021