



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.21165 of 2021

1 SARAVANAN
2 PALANIMUTHU
3 VALLARASU
4 LAKSHMI
5 RAMASAMY
6 PERIYASAMY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF PLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT
Crime No.15 of 2021

[RESPONDENT]

For Petitioner : M/S.D.ARUN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under sections 498(A), 313, 294(b), 506(1) of I.P.C, in Crime No.15 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the other petitioners are in-laws. It is alleged that the petitioners joined together and harassed the defacto complainant by demanding more dowry and thereby abused her. It is further alleged that the petitioners chased away the defacto complainant from the matrimonial home. 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 Additional Public Prosecutor submits that there was a family dispute between the petitioners and the defacto complainant, due to which the petitioners chased away the defacto complainant from her matrimonial home. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the nature of dispute between the parties, this Court directs A1 and defacto complainant to go for Mediation and Conciliation Centre at Salem for three sittings. With regard to A2 to A5, this Court inclined to grant anticipatory bail. However, with regard to A1, this Court is not inclined to grant anticipatory bail. But, this Court directs the respondent police not to harass A1 till the mediation is fixed for three sittings.

6. Accordingly, this Criminal Original Petition is allowed for A2 to A5 and dismissed for A1.

7. Accordingly, the petitioners/A2-A5 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 Magistrate Court, No.I Attur, Salem District on condition that the petitioners/A2-A5 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/A2-A5 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/A2-A5 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/A2-A5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners/A2-A5 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/A2-A5 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.I, ATTUR, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
SALEM

CC to M/S.D.ARUN Advocate on payment of necessary charges
Sr.12585

CRL OP.21165/2021

Date :10/11/2021

RVR 17/11/2021