



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22107 of 2021

1. Mathaiyan
2. Lakshmi
3. Selvarasu

... Petitioners

Versus

State Rep by
The Inspector of Police
Vennanthur Police Station,
Vennanthur,
Namakkal District.
(Crime No.718 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.718 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

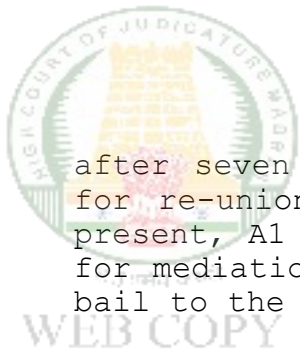
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

Order

The petitioners, who apprehends arrest for the alleged offences under Section 147, 355 and 498(A) of IPC in Cr.No.718 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had married the son of the 1st and 2nd petitioners and the marriage took place seven years back, due to the non-compatibility between A1 and the defacto complainant, they were living separately for the past 2 ½ years, in these circumstances on 07.11.2021, the petitioners along with other persons went to the parental home of the defacto complainant and demanded her to sign in divorce petition, and when the same was refused by the defacto complainant, the petitioners along with other accused persons attacked her. Hence, the complaint.

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 the petitioners were only in-laws of the defacto complainant and already A1 has been released on bail and that



after seven years of separation, even then efforts were taken by A1 for re-union, the defacto complainant refused to live with him. At present, A1 is ready to re-union with his wife and request this Court for mediation. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) submits that more than six years A1 and the defacto complainant were separately living and the girl child also living with her mother. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there was family dispute between the petitioners and the defacto complainant and that the case is pending between them more than a period of five years and considering that the petitioners are only in-laws, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Considering the nature of the family issue between the parties, this Court directs A-1 to go for mediation with the defacto complainant at Mediation and Conciliation Centre, Namakkal District through legal services for five sittings, failing which order will be cancelled.

7. 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, Rasipuram*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 3rd petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the 1st and 2nd petitioners shall appear 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 anticipatory 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/-

01/12/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE ADR CENTRE,
DISTRICT COURT, NAMAKKAL.

4 THE INSPECTOR OF POLICE,
VENNANTHUR POLICE STATION,
VENNANTHUR, NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE MEDIATION AND CONCILIATION CENTRE,
NAMAKKAL DISTRICT.

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

+1CC to B.JAWAHAR Advocate on payment of necessary charges
SR.NO.13953

CRL OP.22107/2021

Date :01/12/2021

CSK 10/12/2021