



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22389 of 2021

1.Palaniyappan Sevaliyapa
2.Devathal Palaniyappan
3.Sangeetha Kanagaraj
4.Sakunthala
5.Sathish Kumar

... Petitioners

Versus

State represented by
The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore.
(Crime No.28 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail on event of their arrest in connection with Crime No.28 of 2021 on the file of the respondent police.

For Petitioners : Mr.I.Periaswamy

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498A, 406 of IPC in Crime No.28 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 got married on 02.03.2017 and after marriage they said have lived has joint family with 1 and 2 petitioners who are father in law and mother in law of the defacto complainant for only two months thereafter they were living separately. The defacto complainant has alleged that 1 to 5 petitioners said harassed her. The defacto complainant was leading a lavished life style and had the habit of continuously talking in mobile without taking care of the day to day affairs of the household, when this was questioned by A1 the defacto complainant left the matrimonial house and stayed with her parents. Thereafter A1 had sent legal notice to the defacto complainant demanded her to rejoin the matrimonial home. The petitioners submit



to counter the legal notice she has given a false complaint against them. A1 has been arrested by the respondent police. Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He fairly agreed to pay interim maintenance. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is some family dispute between the petitioners and the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the *learned Additional Mahila Court @ (ML) Coimbatore District* 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 defacto complainant and A1 are directed to appear before the Mediation at Coimbatore Mediation Centre for 4 or 5 sittings. A1 is directed to take care of the child and the in laws are directed to appear before the Coimbatore Mediation Centre for 4 or 5 sittings and they should give maintenance of the child also, failing which the order will be cancelled automatically;

(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.

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-sd/-
06/12/2021

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 ADDITIONAL MAHILA COURT @ (ML),
COIMBATORE DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR, COIMBATORE DISTRICT.

3 THE ADR CENTRE
COIMBATORE.

4 THE MEDIATION CENTRE
COIMBATORE DISTRICT.

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

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. I. PERIASWAMY Advocate on payment of necessary charges

CRL OP.22389/2021

Date :06/12/2021

CSK 14/12/2021