



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

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

Cr1.O.P.No.22918 of 2021

1.M.Sivalingam
2.S.Manickam
3.Indira
4.Subashini
5.Ramana
6.Sampath
7.Ramayi

... Petitioners/Accused

Vs.

State of Tamil Nadu
Rep. by The Station House Officer,
All Woman Police Station, Thirukoilur,
Kallakurichi District - 605 754.
Cr.No.21 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.21 of 2021 on the file of the respondent.

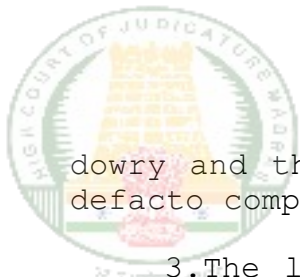
For Petitioners : Mr.J.Agni Selvaraju

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498 (A), 294 (b), 323, 494, 109 of IPC, r/w Section 4 of the Dowry Prohibition Act, in Crime No.21 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner's son viz., S.Sivasankaran and the defacto complainant both were married. Subsequently, these petitioners and their family members harassed the defacto complainant for dowry and also scolded with filthy languages. Therefore, she left from the matrimonial home and staying with her parents for the past two years. In the meanwhile, the defacto complainant approached the petitioner's son for re-union without



dowry and the same was refused by the petitioner's son. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and there is no previous cases pending against these petitioners.

5. Considering the nature of the family issue between the parties, this Court directs the 1st petitioner's son viz., S.Sivasankaran to go for mediation with the defacto complainant at Mediation and Conciliation Centre, Villupuram District through legal services for five sittings, failing which order will be cancelled.

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 learned Judicial Magistrate, Thirukovilur, Kallakurichi 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 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 / Trial Court 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 every Saturday 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.

WEB COPY

-sd/-
09/12/2021

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,
THIRUKOVILUR, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
ALL WOMAN POLICE STATION,
THIRUKOILUR, KALLAKURICHI DISTRICT -605 754.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MEDIATION AND CONCILIATION CENTRE,
VILLUPURAM DISTRICT.

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

CC to M/S. J.AGNI SELVARAJU Advocate on payment of necessary charges

CRL OP.22918/2021

Date :09/12/2021

CSK 21/12/2021