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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23486 of 2021

1.R.Ganesh
2.R.Shanthi

... Petitioners

Versus

State Rep by
The Inspector of Police,
W5 Vepery,
All Womens Police Station,
Chennai
(Crime No. 3 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.3 of 2021 pending investigation on the file of the respondent police.

For petitioner : Ms.P.Arularasi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences Under Sections 498(A), 294 (b) and 506(i) I.P.C, in Crime No.3 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and second petitioner is the sister-in-law of the defacto complainant. It is alleged that there was a matrimonial dispute between the first petitioner and the defacto complainant regarding sexual life. It is further alleged that the petitioners demanded more dowry from the defacto complainant. 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. He further submits that the defacto complainant filed a divorce petition in H.M.O.P.No.2168 of 2020 on the decree for annulling the marriage. Thereafter, the defacto complainant also filed a Domestic Violence complaint in DVC No.102 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the defacto complainant filed a Domestic Violence Proceedings before the Hon'ble Additional Mahila Court, Egmore and he further submits that this matter may be referred to Mediation Centre for amicable settlement.

5. Considering the facts and circumstances of the case and also considering that it is purely a family dispute, this Court is inclined to grant anticipatory bail to the petitioners and further the matter is referred to the Mediation and Conciliation Centre at Chengalpattu for the purpose of solving the issue between the first petitioner and the defacto complainant atleast for five sittings.

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 Judicial Magistrate, Egmore 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/-
07/12/2021

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,
EGMORE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W5 VEPEY, ALL WOMEN POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
THE MEDIATION AND CONCILIATION CENTRE,
CHENGALPATTU.



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

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+1 CC to M/S.P.ARULARASI Advocate on payment of necessary
charges SR.NO.14544

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Date :07/12/2021

RW 15/12/2021