



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24319 of 2021

WEB COPY

1.Jayaraman
2.Sundhari
3.Gurumoorthi
4.Venkateshwari
5.Ulagammal

... Petitioners

Versus

State Rep by
Inspector of Police,
All Women Police Station,
Kottakuppam, Villupuram.
(Crime No.22 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.22 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. M. Machavatharan

For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor,
Madras High Court

O R D E R

The petitioners, who apprehend arrest for the alleged offences under sections 294(b), 498(A) & 406 of Indian Penal Code and Section 4 of Dowry Prohibition Act in Crime No.22 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 married the defacto complainant on 25.01.2021 and they lived together only for a month. On 08.03.2021, the defacto complainant was left in her parents house by A1 due to some misunderstanding between them. Thereafter, the 1st petitioner herein/A1 has not visited her and evaded to pick up her phone calls. While the defacto complainant informed the same to the family members of the 1st petitioner herein, they have not responded to her request and demanded her to bring 25 sovereigns of jewels from her parents then only she can live with her



husband/1st petitioner herein. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that the 1st petitioner being husband of the defacto complainant is arrayed as A1 in this case and he was arrested and enlarged on bail in CrI. M.P. No.8507 of 2021 by the learned Mahalir Neethimanram, Villupuram. He further 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 due to ill motive. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the petitioner along with his family members have harassed the defacto complainant demanding dowry and till date, the petitioners have not taken any steps for re-union. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that as there is a matrimonial dispute between the 1st petitioner and the defacto complainant, the petitioner and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, Puducherry through Puducherry Legal Service Authority for at least three sittings.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahalir Neethimandram, Villupuram, on condition that the petitioner 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 petitioner 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 petitioner is directed to appear before the respondent police daily at 10.30 a.m and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

22/12/2021

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 MAHALIR NEETHIMANDRAM
VILLUPURAM

2 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

5 THE MEDIATION AND CONCILIATION
CENTRE, PUDUCHERRY

6 THE OFFICER INCHARGE,
PUDUCHERRY LEGAL SERVICES AUTHORITY, PUDUCHERRY

CC to M/S. M. MACHAVATHARAN Advocate on payment of necessary charges Sr.15454

CRL OP.24319/2021

Date :22/12/2021

RVR 28/12/2021