



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24669 of 2021

1.S.Selvamani
2.Sampath
3.Santhi

... Petitioners

Versus

State of Tamil Nadu represented by
The Inspector of Police,
Mappedu Police Station,
Tiruvallur.
(Crime No.496 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 Crime No.496 of 2021 pending on the file of the Mappedu Police Station, Tiruvallur District.

For Petitioners: Mr.B.Poongkhulali

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

For Intervenor : Mr.K.Kannan

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498A, 323, 307 of IPC and Section 4 of Tamil Nadu Prohibition of (Harassment of Women) Act, 1998 in Crime No.496 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lost her parents at the age of 13 years and a couple from a different community are her foster parents. The 1st petitioner and the defacto complainant got married to each other on 01.11.2017 with the blessings of both the families. After one and half months of marriage, the petitioners herein allegedly started abusing the defacto complainant as her foster parents hailed from a different caste. Due to this, she preferred complaint before the AWPS, Tiruvallur twice on 04.04.2018 and 01.05.2018. On 01.05.2018, it was undertaken by the petitioners herein that the defacto complainant would stay at her mother's house until the delivery of the baby,



after which the petitioners would invite the defacto complainant back to the matrimonial home. On 02.11.2018 the defacto complainant delivered a baby, however the petitioners herein failed to come and visit her or the child but sent a notice for divorce. The defacto complainant visited her matrimonial home several times and the petitioners is alleged to have questioned the legitimacy of the baby while also allegedly physically assaulting her. Hence the complaint.

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 Government Advocate (Crl. Side) 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.

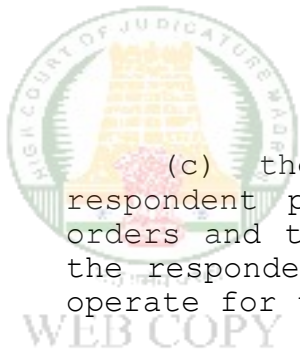
5. As per the order passed by the Family Court, Thiruvallur the 1st petitioner paid the amount of the maintenance to the defacto complainant by way of demand draft. There is some false dispute between the husband and the wife, the other 2 petitioners are the couples of A1. The 1st petitioner filed divorce petition and it is pending before the Subordinate Court, Cheyyar and as per the direction of this Court still more amount has to be paid before the regular Court. The 1st petitioner is directed to pay the remaining arrears as per the manner known to law.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate - II, Tiruvallur, 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 the 1st petitioner are directed to appear before the Mediation at Tiruvallur Mediation Centre for 5 sittings, failing which the order will be cancelled automatically;



(c) the 1st petitioner is directed to appear before the respondent police on every Wednesday at 10.30 a.m., until further orders and the 2nd and 3rd petitioners are directed to appear before the respondent police as and when requires for interrogation and co-operate for the trial;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/12/2021

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,
NO.II, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR(FOR INFORMATION)

3 THE FAMILY COURT,
THIRUVALLUR

4 INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
TIRUVALLUR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION COUNCILATION CENTER,
HIGH COURT, MADRAS.

7 THE OFFICER INCHARGE,
MEDIATION CENTRE, TIRUVALLUR

CC to M/S B.POONGKHULALI Advocate on payment of necessary
charges Sr.15171

CRL OP.24669/2021

Date :20/12/2021

RVR 23/12/2021