



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1521 of 2022

Arun Joshi

...Petitioner

Vs.

State rep. by
The Inspector of All Women Police,
Adayar All Woman Police Station,
Chennai District.
(Crime No. 12 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 12 of 2021 on the file of the Respondent Police.

For Petitioner : M/s.A.Vinothraj

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 21.12.2021 for the offences under Sections 498 (A), 323, 294 (B), 506(ii), 406, 417 of IPC, in Crime No. 12 of 2021 , on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and that the petitioner along with other accused harassed the defacto complainant by demanding dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 30 days from 21.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



respondent would raise objection but admits that the investigation is almost completed.

5. Since, there is a family dispute between the petitioner and the defacto complainant and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. Further, since, the matter is involved a family dispute, the petitioner and the defacto complainant are directed to get a date from Mrs. Uma Ramanathan (Mediator) and appear before her for



mediation at the Mediation Centre, Chennai. If the petitioner is not appearing before the mediation, the bail granted to the petitioner shall stand dismissed automatically.

6. Mrs. Uma Ramanathan is directed to complete the mediation in 5 sittings and file the report before this Court on or before 08.03.2022. Fee as per Mediation Rules.

7. Post the matter on 08.03.2022.

-sd/-

25/01/2022

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF ALL WOMEN POLICE,
ADAYAR ALL WOMAN POLICE STAION, CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 MRS.UMA RAMANATHAN (MEDIATOR)
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

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

+1CC to M/S A.VINOTHRAJ Advocate on payment of necessary charges
SR.No.1136

CRL OP.1521/2022

Date :25/01/2022

CSK 27/01/2022