



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2482 of 2022

1.Gopinath @ Yuvaraj
2.Baskaran
3.Jothi Bushanam
4.Gangadevi
5.Hemavathy

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station, Tiruvallur,
Thiruvallur District.
(Crime No.32 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest by the respondent police concerned in crime No.32 of 2021, on the file of the respondent Police.

For Petitioners : Mr.D.Sam Nandakumar

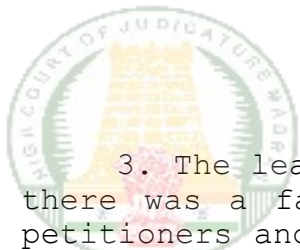
For Respondent : Mr.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 498(A), 294(b), 506 (i) of IPC, in Cr.No.32 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant got married to the 1st petitioner on 23.08.2018, the complainant started living in the joint family. Since she had did not conceive, she was ill-treated physically and mentally. The complainant was also forced to leave from the matrimony home since she did not fulfill the demands of the petitioner. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that there was a family dispute between the defacto complainant and the petitioners and the complainant had already filed divorce petition in O.P.No.3824 of 2015. He would further submit that the complainant did not have any intention to lead a peaceful life with the 1st petitioner and her only intention was to grab money from the petitioners and they did not commit any offence. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that investigation is almost completed.

5. Considering the facts and circumstances of the case already family dispute is pending and also the submissions made by both counsel and that investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Thiruvallur, 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 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;

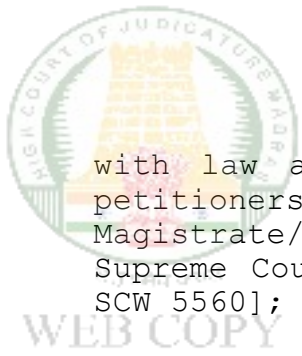
(b) the petitioners shall report before the respondent police as and when required for an interrogation;

(c) the petitioners and the defacto complainant are directed to appear before the Mediation, Thiruvallur District on five sittings;

(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 has 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/-

03/02/2022

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
TIRUVALLUR THIRUVALLUR DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
THIRUVALLUR.

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

+2 CC to M/S.D.SAM NANDAKUMAR Advocate on payment of necessary charges SR.NO.1832

CRL OP.2482/2022

Date :03/02/2022

JPA 10/02/2022