



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.25050 of 2021

1.Loganathan
2.Dhanabalan
3.Vasantha
4.Brindha

... Petitioners

Vs.

State rep. by the
Inspector of Police,
Manargudi All Women's Police Station,
Thiruvavarur District.
(Cr. No.11 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.11 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.J.Jayakumar

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women's Harassment Act, in Crime No.11 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second, third and fourth petitioners are the in-laws of the defacto complainant. The first petitioner and the defacto complainant got married on



25.10.2012 and out of wedlock, they were blessed with a female child. At the time of marriage, 22 sovereigns of gold, Maruthi car and other cooking utensils as sreedhana articles were given to the defacto complainant. Thereafter, they started the life in Poland. There, some misunderstanding arose between them, as a result, she was attacked brutally by her husband. Hence she gave the complaint against her husband. Subsequently, she came to India with the help of some social group and he took several effects for re-union but she evaded. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

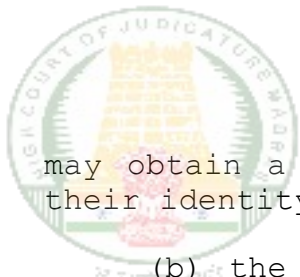
4. The learned Additional Public Prosecutor submitted that the petitioners along with other accused persons had harassed the defacto complainant. He further submitted that there is serious allegation made against the petitioners and the investigation is at initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At the time of enquiry, the first petitioner/ husband and the defacto complainant appeared before this Court and the first petitioner handed over the jewels and key of the car which was received by her in the open Court and the jewels were handed over to the defacto complainant. Apart from that, the RC book of the car was not able to trace out by the petitioners. Hence the parties are directed to work out the RC book separately, while conducting the Mediation.

5. Considering the facts and circumstances of the case, the first petitioner is ready to take care of the wife and her child but the defacto complainant was refused to do so. Since the matter is concerned with the family dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mannargudi, 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 conditions 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 daily at 10.30 a.m until further orders.

(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 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.

7. Since the petitioners and the defacto complainant are family members, they are directed to appear before the District Mediation Centre, Tiruvarur District for ten hearings. Apart from that, in the earlier occasion, the trial Court has ordered for the maintenance of Rs.20,000/- to the wife and child. But, considering the pandemic situation and other facts, this Court directs the first petitioner to pay a sum of Rs.15,000/- as interim maintenance until the issues were solved between them at Mediation Centre. The first petitioner should pay the maintenance of Rs.15,000/- to the account of the defacto complainant of every first week of English Calendar month, commencing from this month, without fail otherwise the bail will be automatically cancelled.

-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.I, MANNARGUDI.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MANARGUDI ALL WOMEN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MEDIATION CENTRE,
THIRUVARUR DISTRICT.

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

CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.25050/2021

Date :03/02/2022

CSK 09/02/2022