



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1467 of 2023

WEB COPY

1.K.G.Athishnawin
2.Kamalam
3.Ganesan

...Petitioners/Accused Nos. 1 to 3

-vs-

1. State represented by
The Inspector of Police,
All Women Police Vadamadurai Police Station,
Vedasandur Taluk,
Dindigul District.
(Cr.No.1 of 2023)

...1st Respondent/Complainant

2. Sindhu

... 2nd Respondent/Defacto complainant

(R2 is *suo motu* impleaded as per order
of the court dated 25.01.2023 in
Crl.O.P(MD)No.1467 of 2023)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.1 of 2023 on the file of the respondent Police.

For Petitioners : Mr.T.Antony Arulraj

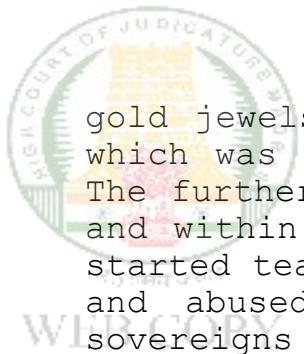
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

For Intervenor : Mr.J.Lawrence

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498A, 506(i) IPC and Section 4 of the Dowry Prohibition Act in Crime No.1 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Sindhu is that she has completed B.Sc., (Fashion Technology) and she got married to the first accused on 08.09.2022 and it is second



gold jewels, a sum of Rs.1 lakh and a further sum of Rs.1,25,000/-, which was collected during as gift during the wedding, were given. The further allegation is that the husband was working in IT sector and within 3 days from the marriage, the first accused/husband had started teasing her about her appearance and in-laws also teased her and abused her filthily. Further, the accused had demanded 50 sovereigns of gold jewels and Rs. 10 lakhs and driven her out of the matrimonial home. Subsequently, she had given a complaint before the All Women Police Station and enquiry was conducted in CSR No.162 of 2022 on 11.12.2022 and during the enquiry, the first accused had agreed to live with her in a separate house, whereas after 2 days, the accused had come to her house and threatened and abused her and attempted to snatch the Thali. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. He would also submit that it is a case where matrimonial dispute has been blown out on a proportion and an exaggerated complaint has been given. He would submit that admittedly, it is second marriage for both the first accused and the defacto complainant and right from the date of marriage, there was misunderstanding. He would also submit that at the time of marriage, 27 $\frac{3}{4}$ sovereigns of jewels were given and the entire jewels are with the petitioner and the petitioner is ready to return all the jewels and he is ready to return Rs.1,25,000/- which was handed over to him at the time of marriage. He would add that the petitioner has initially appeared before the respondent for enquiry and subsequently, based on the averments in the complaint, a case has been registered immediately without conducting any enquiry.

4.The learned Government Advocate (crl.side) would submit that as per the complaint, the accused are stated to have demanded more dowry and have refused to return the jewels and cash. He would oppose to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that at the time of marriage, 50 sovereigns of jewels and Rs.1,25,000/- cash were given and subsequently, the accused had demanded Rs.10 lakhs cash and 50 sovereigns of jewels as additional dowry. However, he would submit that without prejudice to the defacto complainant's legal rights, she is ready to take back the jewels and cash.

6. Heard and perused the materials available on record.

7. Both parties are present before this Court and the first petitioner/husband would submit that he is ready to hand over 27 $\frac{3}{4}$ sovereigns of jewels and also a sum of Rs.1,25,000/- to the defacto complainant. Pursuant to the same, the defacto complainant has also taken back her 27 $\frac{3}{4}$ sovereigns of jewels and received Rs.1,25,000/- from the petitioner.



8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vendasandur, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week thereafter as and when required. The petitioners 2 and 3 shall appear before the respondent as and when required.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cm

TO

1. THE JUDICIAL MAGISTRATE, VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE VADAMADURAI POLICE STATION,
VEDASANDUR TALUK,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-2818[I] dated 24/02/2023)

+1 CC to M/s.J.LAWRENCE, Advocate (SR-2862[I] dated 24/02/2023)

ORDER

IN

CRL OP (MD) No.1467 of 2023

Date :23/02/2023

RK/SAR-2 (08/03/2023) 4P/7C