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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 15/03/2023

PRONOUNCED ON: 20/03/2023

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.1347 of 2023

Praveen

... Petitioner/ Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.28 of 2022)

... Respondent/ Complainant

2.Angel @ J.R.VidiyalMurasu

...Petitioner/
Intervening 2nd respondent/
Defacto Complainant
in CRL MP(MD)No.2758 of 2023

For Petitioner : M/s.D.Saranya,
Advocate.

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

For Intervenor : Mr.T.Antony Arulraj,
Advocate.

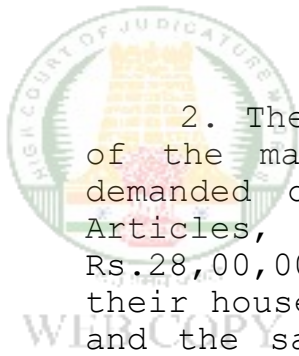
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
498(A) and 406 IPC, in Crime No.28 of 2022 on the file of the
respondent police, seeks anticipatory bail.



2. The case of the prosecution is that at the time of the marriage alliance, the petitioner and the other accused demanded dowry of 150 sovereigns gold jewels, 5 kgs of Silver Articles, Toyota Innova-White Colour (Bucket Seat) Car worth about Rs.28,00,000/- and Rs.5 lakhs in cash for construction of Portico in their house in Hajiya Street from the defacto complainant's parents and the same were accepted, since the defacto complainant is the only daughter to her parents and subsequently, betrothal function was held in a grand manner on 13.04.2016, that in pursuance of the above dowry demand, the petitioner and the other accused asked the defacto complainant's parents to come to Kumbakonam on 12.05.2016 and to pay a sum of Rs.5,00,000/- in cash for Portico construction and Rs.1,00,000/- for booking Toyota Innova Car and the same were given to them by the defacto complainant's parents, that thereafter, the petitioner met with an accident on 24.07.2016, while returning from Pondicherry to Chennai and lost his right leg besides other injuries and hence, the marriage proposal was called-off, that thereafter the petitioner had contacted the defacto complainant and made emotional black mails that unless she marry him, he would commit suicide and that the petitioner and the other accused brain washed the defacto complainant and made her to come out of her house and performed marriage and got it registered.

3. The further case of the prosecution is that ever since the date of marriage, the petitioner and the other accused had abused the defacto complainant in filthy language and tortured her both mentally and physically, that the petitioner and the other accused forced her to agree for IVF method to get pregnancy and she had been kept in Chennai for the treatment, that the defacto complainant got conceived, but the petitioner and the other accused had continuously harassed and abused her, that the parents of the defacto complainant keeping in mind the future of the defacto complainant and the twin babies, gave 75 sovereigns of jewels on 24.07.2020, since the petitioner and the other accused refused to come for bangling function on 11.03.2021, that when the defacto complainant went to the accused house after delivery along with her twin children, her parents gave remaining 75 sovereigns of gold jewels, 30 sovereigns of gold jewels for twin babies, 5 kgs of silver articles, besides house hold articles.

4. The further case of the prosecution is that they had reiterated their earlier demand of 180 sovereigns of gold jewels, 5 kgs of Silver articles and left the defacto complainant in her parental home, that later the defacto complainant came to realize that the petitioner is a womanizer and he is having extra marital affair with one Priya Mohan, who is working under him, that the petitioner in order to marry the said Priya Mohan, has sent a legal notice to the defacto complainant dated 23.12.2021, seeking divorce and also filed a divorce petition and that the petitioner along with the other accused had conducted an engagement function for the petitioner and the said Priya Mohan at Rose Cafe Upstairs, Anna Nagar, Kumbakonam on 20.01.2022.



5. The learned counsel appearing for the petitioner would submit that the above false complaint has been lodged due to the family disputes, that the petitioner is an innocent, that the petitioner is a physically challenged person, that the petitioner is law abiding citizen and that the petitioner may be granted anticipatory bail.

6. It is not in dispute that after engagement ceremony, the petitioner has met with an accident and lost his right leg and that thereafter, the defacto complainant had married the petitioner and gave birth to male twins.

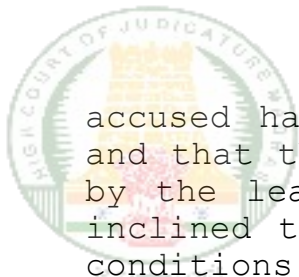
7. The learned counsel appearing for the intervenor would submit that all the accused are empowered with money and political influence, that the accused 2 and 3 were already granted anticipatory bail, that if the petitioner is also granted anticipatory bail, the defacto complainant will not be able to recover her 150 sovereigns of jewels, 30 sovereigns of her children jewels, 5 kgs of silver articles and other household items, that the defacto complainant realized that the very purpose of marrying her was to somehow get the dowry agreed by her parents and after getting the dowry, the accused did not want the defacto complainant and her children and hence, thrown her away from the matrimonial home and that the petitioner along with his parents had been harassing and torturing the defacto complainant physically and mentally.

8. When the matter was taken up for hearing on 15.03.2023, the learned Government Advocate (Criminal Side) appearing for the respondent would submit that the respondent police has earlier referred the matter to the Social Welfare Officer, Thanjavur and that the Social Welfare Officer, after conducting enquiry, has sent a report dated 31.10.2022 that there was no dowry harassment and also produced the copy of the report sent by the Social Welfare Officer, Thanjavur.

9. As rightly contended by the learned counsel appearing for the petitioner, the above report was brought to the notice of this Court, while granting anticipatory bail to the accused 2 and 3.

10. Earlier, the petitioner along with his parents have filed a petition for anticipatory bail in Crl.O.P.(MD)No.5233 of 2022 and the same was ordered to be dismissed vide order dated 31.03.2022 and that subsequently, the petitioner's parents/ accused 2 and 3 have filed another petition for anticipatory bail in Crl.O.P.(MD)No.11584 of 2022 and this Court vide order dated 23.12.2022 has granted anticipatory bail by imposing certain conditions.

11. Considering the above facts and circumstances of the case and also taking note of the report of the Social Welfare Officer
<https://www.tn.courts.org> was no dowry harassment and also the facts that the co-



accused have already been granted anticipatory bail by the Court and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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12. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner 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]**.

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

sd/-
20/03/2023

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/03/2023

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

CSM



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.

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

+1 CC to M/s.D.SARANYA, Advocate (SR-4679[I] dated 23/03/2023)

ORDER

IN

CRL OP(MD) No.1347 of 2023

Date :20/03/2023

RK/CG/SAR-3(28/03/2023) 5P/6C