



Crl.O.P.(MD)No.13773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/09/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

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1. Infant Jaison @ Infant Jeison
2. Maria Jeyakodi
3. Jeyachandra Rajan : Petitioners/A1 to A3

Vs.

The State Rep. by
The Sub Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No.26 of 2023) : Respondent/Complainant

For Petitioners : Mr.C.Muthu Saravanan

For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

for Intervenor : Mr.G.Anto Prince

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

PRAYER:-For Anticipatory Bail in Crime No.26 of 2023
on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 to A3
apprehends arrest at the hands of the respondent police



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for the offences punishable under sections 498(A), 406, 506(i) IPC and sections 3(1), 4 and 6 of Dowry Prohibition Act, in Crime No.26 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 18/01/2021, after prolonged conversation between the parents of both sides and payment of various amount, jewels, etc., the marriage was performed between A1 and the de-facto complainant as per the customary rites. Before marriage, a promise was made by her husband and the parents that they will not make any trouble to her to continue the studies. But later, they refused to allow the de-facto complainant to pursue the studies. After the marriage, she was ill-treated and harassed, demanding more dowry, jewels, etc. Her husband was not going for any job. His entire expenses were borne by her parents only. Later, they shifted their residence to the nearby place of her parents. Again A2 and A3 started harassment, demanding money, etc. She became pregnant, but started harassing her with a view to abort the child. Even money that was given by her parents to the de-facto complainant for maintenance, that was taken by the accused. He was also having so many girl friends. After some treatment, she was taken to the matrimonial home and after bangle



wearing ceremony was over, she was taken to her parental home. Now, they are keeping the house articles worth Rs.23,46,550/- and 30 sovereigns of gold jewels, etc. The complaint given by her before the All Women Police Station was not even enquired. So with these allegations, she filed a complaint. In pursuance of the order of the Additional Mahila Court, Nagercoil, a case in Crime No.26 of 2023 was registered for the offences stated above against the accused persons.

3. Seeking anticipatory bail, pending investigation this petition has been filed by these petitioners, who are arrayed as A1 to A3.

4. During pendency of the hearing, the matter was referred to the Mediation Centre, but no settlement could be arrived.

5. Heard both sides. The de-facto complainant also represented through Advocate.

6. It is seen that making some sort of allegation against the de-facto complainant, the first petitioner herein filed IDOP No.569 of 2022 before the Family Court, Kaniyakumari, seeking divorce. The above said petition



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was filed, on 27/05/2022. The de-facto complainant moved Transfer CMP No.1209 of 2022 seeking transfer of the proceedings to the Family Court, Coimbatore. That was also allowed by this court, by order, dated 31/01/2023. While entertaining the Transfer CMP, the husband was directed to pay the monthly maintenance of Rs.5,000/- to the minor child. It is also observed that at the time of marriage, A1 was working as an Engineer in an Oil Company at Rajasthan and drawing a monthly salary of Rs.1,00,000/-. Now, the above said proceeding is stated to be pending before the Family Court, Coimbatore. During the pendency of the investigation, conciliation proceedings were undertaken by the District Social Welfare Officer, Kanyakumari district and reached the following conclusion:-

“திருமணத்தின் போது கொடுக்கப்பட்ட 120 பவுன் நகைகளும் தன்னிடம் இருப்பதாக விசாரணையின்போது மனுதாரர் தெரிவித்தார். பணம் மற்றும் நகைகள் பற்றிய விபரங்களைக் கூறினரே தவிர எதிர்மனுதாரர்கள் கொடுமைப்படுத்தியதாக எந்தக் குற்றச்சாட்டுகளையும் விசாரணையின்போது மனுதாரர் தெரிவிக்கவில்லை. இப்புகாரில் வரதட்சணை கொடுமை நடந்ததற்கான முகாந்திரம் இல்லை. மனுதாரர் வேறு ஆண் நண்பருடன் சேர்ந்து இருந்த புகைபடங்கள் மற்றும் Whatsapp Chatting ஆகியவற்றை



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மனுதாரருக்கு உரிமைப்பட்ட Hard Disc-ன் மூலம்
தெரிந்து கொண்டதாலும், மனுதாரர் அஜய்
என்பவருடன் செல்போனில் பேசியதை கேட்டதாலும்
தங்களுக்குள் பிரச்சனை ஏற்பட்டுள்ளதாக
விசாரணையின்போது 1-ம் எதிர்மனுதாரர்
தெரிவித்தார். இருதரப்பினருக்கும் இடையில்
ஏற்பட்டுள்ள கருத்து வேறுபாடு
காரணமாகவே இருவரும் பிரிந்து வாழ வேண்டிய
சூழ்நிலை ஏற்பட்டுள்ளதாக விசாரணையில்
தெரியவருகிறது.”

7.By pointing out this, it was contended on the part of the petitioners that only because of the behaviour and conduct of the de-facto complainant, trouble has arisen between them. There is no possibility for reunion.

8.Per contra, the learned counsel appearing for the de-facto complainant would draw the attention of this court to the Banking transaction as well as the articles purchased during the above said period. It was contended that now the jewels and household articles are in the custody of the petitioners; Only they are making defaming information. At whose fault, matrimonial issue arise between the parties is a matter for consideration by the Family Court, for which, I am of the considered view that no custodial interrogation of the petitioners may be required.



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9.Regarding the return of jewels and other things, the de-facto complainant can work out her remedy in the pending matrimonial proceedings. It is made clear that A1 must comply the condition of payment of interim maintenance without fail.

10.In view of the above facts, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court, Nagercoil, Kanyakumari District and on each of them executing 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 learned Judge concerned and on further condition that the petitioners shall appear before the respondent police every **Sunday at 10.30 am until further orders**. The petitioners shall comply with the condition stipulated under **Section 438** Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory bail will stand dismissed.

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Sub Inspector of Police,
All Women Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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