



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eleventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21633 of 2015

1 DURAIPANDIAN
2 POTHARAJ
3 DAYANA
4 PANDIARAJA
5 PACKIARAJ

... PETITIONERS / ACCUSED NOS.1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CR NO NOT KNOWN /2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.G.MARIMUTHU Advocate

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)

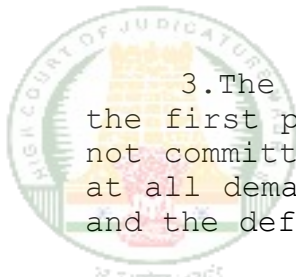
For Intervenor : Mr.C.VAKEESWARAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, in Crime No. 19 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 506(i) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 12.07.2012, which was a love marriage without knowledge of the parents and family members of the first petitioner and the defacto complainant. They lived as husband and wife at Chennai. After 1 ½ years, the first accused started having contacted with his family members and at their instigation, the first accused started harassing the defacto complainant and demanded 50 sovereigns of jewels and a cash of Rs.50,000/- as dowry and also abused the defacto complainant in filthy language. The defacto complainant gave a complaint on 19.10.2015 before All Women Police Station, Rajapalayam and at that time, the first accused agreed to live with the defacto complainant and subsequently, he did not keep up his promise and therefore, another complaint was lodged on 12.11.2015 before the police station. The case has been registered in Crime No.19 of 2015 for the alleged offences under Sections 498(A), 294(b), 506(i) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.



3.The case of the petitioners is that there was no marriage between the first petitioner and the defacto complainant and the petitioners have not committed any offence as alleged by the prosecution and they have not at all demanded any dowry and due to dispute between the first petitioner and the defacto complainant, a false complaint has been lodged.

4.The learned counsel for the intervenor submitted that due to the continuous harassment and the demand of dowry made by the husband of the defacto complainant, the complaint has been preferred on 19.10.2015 and at the time of enquiry of the said complaint, the husband of the defacto complainant promised to live with her and he has not acted *bonafidely* and hence, another complaint was lodged by the defacto complainant on 12.11.2015 and the same was registered in Crime No. 19 of 2015.

5.The learned Government Advocate(Crl.side) submitted that the petitioners harassed the defacto complainant by demanding dowry.

6.When the matter was taken up for hearing on 09.12.2015, the first petitioner and the defacto complainant were present before this Court. From the statement of the parties, it is seen that serious allegations were made by the defacto complainant against the petitioners.

7.Considering the serious allegations made against the petitioners and considering the fact that investigation is pending, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
11/12/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,, ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1CC to Mr.C. Vakeeswaran, Advocate, SR.No. 71184

ORDER
IN
CRL OP(MD) No.21633 of 2015
Date :11/12/2015

CM
NS/SKS-RR/SAR I/16.12.2015 : 2P/4C