



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

Thursday, the Thirteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.4803 of 2015

R.SATHISH KUMAR

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI.
(CRIME NO. 26 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.RAJESWARAN Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

For Intervenor : G.Thalaimutharasu Advocate

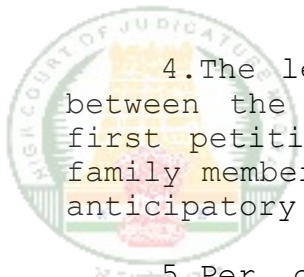
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 323 and 506(i) of I.P.C. in Crime No.26 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, she was married the first accused in the year 2010 and at the time of marriage, she was given one lakh as a dowry and thereafter, the accused demanded Rs.20 lakhs as additional dowry and harassed her and refused to pay the same, the petitioner ill treated her and on 04.11.2014 she had gone to the matrimonial home, where she was brutally attacked by kicking on her belly, on account of which, she suffered renal failure and was continuously urinating, for which, she was also admitted in Government Hospital, Tuticorin.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and it is further alleged that as per the circular issued by the Director General of Police and as per the order passed in M.P.(MD).No.1 of 2008 in Crl.O.P.(MD).No.10896 of 2008 and also as per the judgment of the Hon'ble Supreme Court, in **ARNESH KUMAR V. STAE OF BIHAR AND ANOTHER** reported in **(2014) 3 MLJ(CRL)353(SC)**, the accused need not be arrested in the matrimonial dispute and it is further submitted that both parties have appeared before the Mediation and she was insisting to take her back immediately, which was not accepted by the husband.



4.The learned counsel further contended that due to misunderstanding between the parties, she had lodged a complaint and the sister of the first petitioner was arrested and she had already taken revenge on the family members of the petitioner and hence, the petitioners may be granted anticipatory bail.

5.Per contra, the learned counsel for the intervenor vehemently opposed this petition contending that it is not a case of mere dowry harassment, on 04.11.2014, the de-facto complainant was brutally attacked by her husband and her in-laws and considering the gravity of offence, this Court dismissed the earlier application only on 29.01.2015. The learned counsel further contended that the petitioner did not show any interest to appear before the Mediation to settle the dispute with the de-facto complainant and this Court has passed the interim order of not to arrest the petitioners only for the settlement of the dispute between the parties, but he has not shown any interest.

6.Heard the learned Government Advocate (Crl.side) appearing for the State.

7.While dismissing the application in Crl.O.P.No.20916 of 2014, this Court has observed as follows:

3.From the complaint lodged by the de-facto complainant, it is seen that on 04.11.2014, the de-facto complainant had gone to the house of the first petitioner in Tuticorin, where she was brutally attacked by the first petitioner and his family members. She has specifically alleged that these petitioners had kicked her on the belly, on account of which, she suffered renal failure and was continuously urinating, resulting in her being admitted in Government Hospital, Tuticorin.

4.The allegations raised against the petitioners are very serious in nature. Hence, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this petition is dismissed."

8.Considering the facts, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
13/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THOOTHUKUDI.
2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
+1. CC to M/S.K.RAJESWARAN Advocate SR.No. 46372.
+1cc to M/S. G.Thalaimutharasu, Advocate in SR.No 47021

TS/24.08.2015/2P - 5C KBM/LIB