

Crl.O.P.No.7443 of 2016**K.KALYANASUNDARAM,J.**

The petitioners, who are arrayed as A1 and A2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 471,294(b),506(i) IPC r/w Sec.4 of Women Harassment Act and Section 4 of Dowry Prohibition Act in Crime No.8 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, a betrothal ceremony was performed for her marriage with the first accused on 06.12.2015. Even before the betrothal ceremony, the accused have demanded five sovereigns of gold for bridegroom, Rs.1,00,000/- towards purchase of a two wheeler, 50 sovereigns of gold for the defacto complainant and Rs.2,00,000/- in cash and also a sum for the marriage expenses. Acceding to the said demand, the engagement was conducted on 06.12.2015 fixing the date of the marriage on 03.02.2016. The defacto complainant had paid a sum of Rs.10,000/- towards advance for booking the marriage hall viz., Mahalakshmi Thirumanamandapam. But, subsequently, when the defacto complainant party approached the

accused, they wanted to perform the marriage in the month of March, due to shortage of time. Further, it is alleged that when the accused approached in the month of January, they were giving evasive reply. On 19.02.2016, when the defacto complainant's father, mother and her relatives had gone to the house of the first accused to know the reason to postpone the marriage and the second accused informed that the first accused i.e., her son has passed Engineering Course, hence, they have to purchase a car worth of Rs.15 lakhs, failing which the marriage cannot take place. When the defacto complainant party expressed inability, the accused scolded them and also cancelled the marriage and further said that the defacto complainant can commit suicide, for which they cannot help.

3.Mr.Prakash Goklaney, the learned counsel appearing for the petitioners would submit that the second petitioner is working as Headmistress in a Government School and on the date of the occurrence i.e. 19.02.2016, she attended the school. Further, it is submitted that even according to the defacto complainant, a betrothal ceremony was conducted on 06.12.2015, fixing the marriage on 03.02.2016, but the defacto complainant kept quiet till

19.02.2016 and they preferred a complaint on 07.03.2016 without giving any proper explanation for the delay. It is also submitted that the second accused has been serving as a teacher since 1984 and she has been falsely implicated in this case.

4.The learned counsel further submitted that after three days of the betrothal ceremony, the accused party came to know that the person, who was projected as the father of the bride, was not the biological father of the defacto complainant, so the marriage was immediately stopped. It is also submitted that the respondent without conducting any preliminary enquiry has straight away registered the case and the petitioners are ready to co-operate for investigation.

5.The learned counsel appearing for the intervenor submitted that the victim is the defacto complainant in this case and she has narrated the entire facts in the complaint and she has also given reasons for preferring the complaint in the month of March. It is further submitted that originally marriage was fixed on 03.02.2016, however subsequently, at the request of the accused, it was postponed and due to illegal demand of dowry, the marriage was

eventually stopped. The learned counsel for the intervenor further submitted that there is no delay in lodging this complaint and the delay was explained in the complaint itself. Since the accused have ruined the entire life of the defacto complainant, they are not entitled to indulgence of this Court.

6.The learned Government Advocate (Criminal side) appearing for the respondent would submit that the accused have committed heinous offence and considering the gravity of offence, the earlier petition was dismissed on 21.03.2016 and there is no change in circumstances to consider the present petition. It is further submitted that the accused have been successfully evading the arrest and prays for dismissal of the petition.

7.It is seen that the petitioners' earlier petition was dismissed on 21.03.2016 and the present petition was filed within a period of ten days i.e. 31.03.2016, without any change in circumstances. The contentions of the petitioners were already considered, except the submissions of the learned counsel appearing for the petitioners (i.e.) the second petitioner is working as Headmistress in the Government School and dismissed by this

Court on 21.03.2016 on the ground that they are not entitled for anticipatory bail.

8.Since the present anticipatory bail petition is filed within ten days of the earlier dismissal without any change in circumstances and considering the fact that a huge amount has been spent by the defacto complainant's family towards betrothal ceremony and also certain expenses towards marriage arrangement and above all, the image of the defacto complainant is tarnished, this Court is of the opinion that the petition is liable to be dismissed by imposing exemplary costs on the petitioners.

9.Accordingly, this petition is dismissed by directing the petitioners to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) each to the Chief Justice Relief Fund, within a period of two weeks from the date on which the order copy is made ready, failing which the District Collector, Villupuram is directed to initiate action to recover the amount from the petitioners in the manner known to law.

05.04.2016

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Mark Copy to:

1.The District Collector,
Villupuram.

2.The Superintendent of Police,
Villupuram.

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