



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

Monday, the Eleventh day of January Two Thousand Sixteen

PRESENT

**THE HON`BLE MS.JUSTICE V.M.VELUMANI**

CRL OP(MD) No.12503 of 2015

1 KARUPPAIAH @ RAMAKRISHNAN  
2 ARUNACHALAM,  
3 ANGAMMAL,  
4 IRULAPPAN,  
5 SUGANYA  
6 MUTHURAJA

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, SAMAYANALLUR,  
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

M.PANDEESHWARI

... INTERVENING PETITIONER/  
DEFACTO COMPLAINANT

For Petitioner : M/S.R.UDHAYAKUMAR Advocate

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

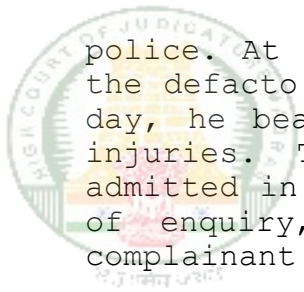
For Intervener : MR.S.MUTHUKRISHNAN

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 6, in Crime No.127 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman 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 23.05.2013. The parents of the defacto complainant died. She was living with her grandparents. At the time of marriage, she was studying 10<sup>th</sup> standard. The petitioners approached the grandparents of the defacto complainant for marriage between the first petitioner and the defacto complainant and they promised to educate the defacto complainant and look her well. They received Rs.4,00,000/- for education of the defacto complainant and 19 sovereigns of gold jewels, at the time of marriage. After marriage, they ill-treated the defacto complainant and demanded more dowry and tortured the defacto complainant stating that as per the astrology, the first petitioner will have two wives that is why they got married like the defacto complainant, so that the first petitioner will marry for the second time and they chased the defacto complainant from the matrimonial home. She gave a complaint to the



police. At the time of enquiry, the first petitioner agreed to live with the defacto complainant and took her to the matrimonial home. On the same day, he beat her severely for having given complaint and caused severe injuries. The first petitioner informed 108 Ambulance and she was admitted in the hospital. Again, she gave a second complaint. At the time of enquiry, the first petitioner refused to live with the defacto complainant and informed that he is going to marry again.

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3. The case of the petitioners is that the defacto complainant is having illicit relationship with others and she did not co-operate with the 1st petitioner in the matrimonial life. Due to that, the first petitioner is physically and mentally affected and she has given a false complaint.

4. The learned counsel appearing for the Intervenor reiterated the allegations made in the compliant and also submitted that the allegations made in the petition against the defacto complainant are false. All the petitioners tortured the defacto complainant and thrown her out from the matrimonial home for arranging second marriage to the first petitioner. All the petitioners categorically stated that they performed the marriage between the first petitioner and the defacto complainant with a view to make arrangement for the second marriage to the first petitioner.

5. The learned Government Advocate (Criminal Side) submitted that the petitioners tortured the defacto complainant to give consent for second marriage, demanding more dowry and physically assaulted her for having given complaint and sent her out from the matrimonial home and the investigation is pending.

6. Considering the attitude and serious allegations made against the first petitioner, I am not inclined to grant anticipatory bail to the first petitioner.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6, with certain conditions. Accordingly, the petitioners 2 to 6 are ordered to be released on bail in the event of arrest or on their appearance before the Additional Mahila Court (Judicial Magistrate cadre), Madurai 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 Magistrate concerned and on further condition that the petitioners 2 to 6 shall appear before the respondent police as and when required for interrogation. The petitioners 2 to 6 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 2 to 6 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

**9. As far as the first petitioner is concerned, this petition is dismissed.**

sd/-  
11/01/2016

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TO

1 THE ADDITIONAL MAHILA COURT  
(JUDICIAL MAGISTRATE CADRE) MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, SAMAYANALLUR,  
MADURAI DISTRICT.

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

+1. CC to M/S.R.UDHAYAKUMAR Advocate SR.No.2202

+1CC TO M/S.S.MUTHUKRISHNAN Advocate Sr.No.2110

ORDER

IN

CRL OP(MD) No.12503 of 2015

Date :11/01/2016

GJM/NGM/SS/AR-II-28.1.16-3P-7C