



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) Nos.18392 & 18393 of 2015

1 R. GANDHIMATHI
2 R. RAMAKRISHNAN
3 R. RAJKUMAR

... PETITIONERS/ ACCUSED NO.2 TO 4
IN CRL.O.P(MD)NO.18392/2015

R.PRAVEEN KUMAR

... PETITIONERS/ACCUSED NO.1
IN CRL.O.P(MD)NO.18393/2015

Vs

STATE REP. BY THE
THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION,
TRICHY.
(CRIME NO. 21 OF 2015)

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

J.PREETHI

... PETITIONER/INTERVENER
IN BOTH THE PETITIONS

For Petitioner : Mr.A.CHANDRAKUMAR Advocate IN BOTH THE PETITIONS

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

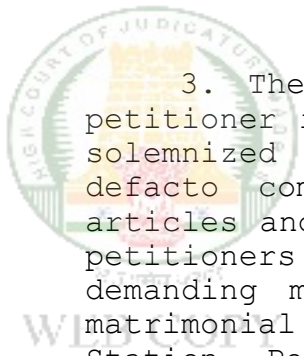
For Intervener : Mr.J.JEYAKUMARAN, Advocate IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD)No.18392 of 2015, who are arrayed as accused Nos.2 to 4, in Crime No.21 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 420 and 406 of the Indian Penal Code and hence, seek anticipatory bail.

2. The petitioner in Crl.O.P(MD)No.18393 of 2015, who is arrayed as accused No.1, in Crime No.21 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 406 of the Indian Penal Code and hence, seeks anticipatory bail.



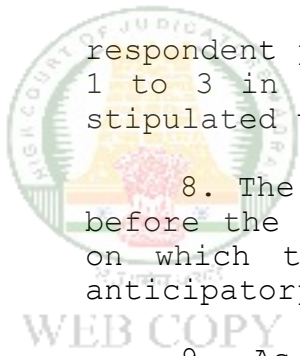
3. The case of the prosecution is that the marriage between the petitioner in CrI.O.P(MD)No.18393 of 2015 and the defacto complainant was solemnized on 05.09.2014. At the time of marriage, the parents of the defacto complainant gave 30 sovereigns of gold jewels, house hold articles and a motor cycle as dowry. Immediately, after the marriage, the petitioners ill-treated the defacto complainant and harassed her by demanding more dowry and on 24.11.2014, they threw her out from the matrimonial home and she gave a complaint before the All Women Police Station, Ponmalai, Trichy District and again on 12.12.2014, she gave a complaint to the Commissioner of Police. On coming to know that the petitioners are taking steps to sell the jewels and house hold articles of the defacto complainant, she and her parents went to the petitioners house and demanded the same. At that time, A1/petitioner in CrI.O.P(MD) No.18393 of 2015 and other accused abused them in filthy language and informed the defacto complainant that they are going to perform second marriage for A1 with one Gayathri and threatened her with dire consequences. Again on 01.08.2015, A1 and his mother came to the defacto complainant's house and demanded the Thali chain from the defacto complainant and abused her in filthy language and based on her complaint, a case has been registered against the petitioners.

4. The case of the petitioners is that A1/petitioner in CrI.O.P(MD) No.18393 of 2015 is working as T.T.E in the Southern Railway Department at Trichy. At the time of marriage, the parents of the defacto complainant informed the petitioners that the defacto complainant is a B.C.A graduate. Believing their words, the petitioners arranged the marriage between A1/petitioner in CrI.O.P(MD)No.18393 of 2015 and the defacto complainant and they did not demand any dowry from the defacto complainant and her family members. On the day of marriage, the petitioner in CrI.O.P(MD)No.18393 of 2015 came to know that the defacto complainant is an insane person and affected by mental illness. Immediately, he approached the parents of the defacto complainant and questioned the same. They admitted that their daughter is affected by autism and now, she is under treatment. Suppressing these facts, they performed marriage with A1. The petitioners in the petitions stated that they are ready to return the jewels and the household articles belonging to the defacto complainant. They have not committed any offence and demanded more dowry.

5. The petitioner in CrI.O.P(MD)No.18393 of 2015 and the defacto complainant appeared before this Court and on 06.01.2016, the defacto complainant and her parents went to the petitioners house and received the household articles, except one silver tumbler and a cell phone.

6. Considering the serious allegations made against the petitioner in CrI.O.P(MD)No.18393 of 2015, I am not inclined to grant anticipatory bail to the petitioner in CrI.O.P(MD)No.18393 of 2015.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3/accused Nos.2 to 4 in CrI.O.P(MD)No.18392 of 2015, with certain conditions. Accordingly, the petitioners 1 to 3 in CrI.O.P(MD)No.18392 of 2015 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Trichy and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 1 to 3 in CrI.O.P(MD)No.18392 of 2015 shall appear before the



respondent police as and when required for interrogation. The petitioners 1 to 3 in CrI.O.P(MD)No.18392 of 2015 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 1 to 3 in CrI.O.P(MD)No.18392 of 2015 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 petitioner in CrI.O.P(MD)No.18393 of 2015 is concerned, this petition is dismissed.

sd/-
11/01/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
FORT ALL WOMEN POLICE STATION, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.CHANDRAKUMAR Advocate SR.No.2000
+1cc to Mr.J.JEYAKUMARAN, Advocate SR.No.2080

ORDER
IN
CrI.O.P.(MD)Nos.18392 & 18393 of 2015

Date :11/01/2016

PS
NS/NGM-SS/SAR II/22.01.2016 : 3P/7C