



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

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THE HONOURABLE MR.JUSTICE V.M.VELUMANI

Crl.O.P.(MD).No.8169 of 2015

S.M.Shoba

.. Petitioner/3rd Party

Vs.

1.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai District.

.. 1st Respondent/Complainant

2. Saravanan

3. S.S. Jeyathevam

4. S.J. Geethamani

..Respondents 1 to 3/Accused 1 to 3

PRAYER: Criminal Original Petition is filed under Section 439(2) of Cr.P.C praying to cancel the anticipatory bail granted to the respondents 2 to 4 / accused 1 to 3, by the learned Principal Sessions Judge, Madurai, dated 18.06.2014 in Crl.M.P.No.3882 of 2014 and consequently, directing the respondent No.1 to arrest them.

For Petitioners

:

Mr. T. Lajapathy Roy

For Respondent

:

Mrs. Prabha

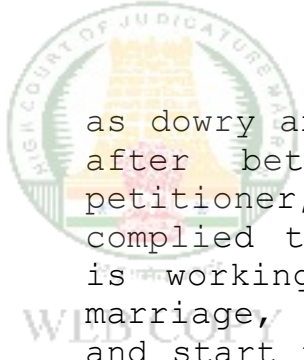
Government Advocate (Crl.Side)

ORDER

This petition is filed to cancel the anticipatory bail granted to the respondents 2 to 4 / accused 1 to 3, by the learned Principal Sessions Judge, Madurai, dated 18.06.2014 in Crl.M.P.No.3882 of 2014 and consequently, directing the respondent No.1 to arrest them.

2. The respondent 2 to 4 / accused 1 to 3 charged for the offences under Sections 498(A) of IPC and Section 4 of TNPWH Act. The respondents 2 to 4 / accused 1 to 3 filed Crl.M.P.No.3882 of 2014 on the file of the learned Principal Sessions Judge, Madurai and the said Judge granted anticipatory bail, by order dated 18.06.2014.

3. According to the petitioner, the second respondent got married to complainant. Before marriage, the respondents 2 to 4 demanded 40 sovereigns of gold jewels, a diamond set, diamond ring for the second respondent and about 2kgs of silver utensils



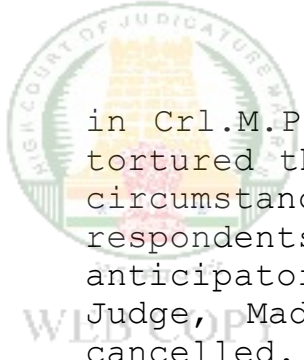
as dowry and threatened to drop the marriage, if demand is not met after betrothal. Before marriage, for the welfare of the petitioner, her father reluctantly agreed for the same and complied the demand with great difficulty. The second respondent is working in private firm in Hyderabad and at the time of marriage, 2nd respondent promised that he will apply for transfer and start to live with the petitioner in Bangalore. The petitioner is working in Bangalore in a senior post in reputed company. The second respondent did not take any steps to get transfer to Bangalore and he only visited during vacation and even during that time, he tortured the petitioner and to do her life away, beat and kicked her. At one time, the third respondent spit on the face of the petitioner and her child. They demanded entire salary of the petitioner to be given to them and forced the petitioner to cut the relationship with her parents and family members. The second respondent filed HMOP for restitution of conjugal rights. Due to the cruelty by the respondents 2 to 4 both mentally and physically, the petitioner gave complaint and the same has been registered in crime No.18 of 2014.

4. The respondents 2 to 4 filed Crl M.P.No.3882 of 2014. The learned Principal Sessions Judge, Madurai, without considering the gravity of the charges levelled against the respondents 2 to 4 granted anticipatory bail to the respondents 2 to 4 stating that a case has been registered due to matrimonial dispute. Even after obtaining the anticipatory bail, the second respondent torturing the petitioner by sending unwanted mails by sending blank papers to the petitioner's address by RPAD and he also posting un-wanted posts in the social media with false allegations. Due to that, the petitioner has come out with the present petition for cancellation of anticipatory bail granted to the respondents 2 to 4 / accused 1 to 3, by the learned Principal Sessions Judge, Madurai, dated 18.06.2014 in Crl.M.P.No.3882 of 2014.

5. The learned Government Advocate (Crl. Side) submitted that after obtaining the anticipatory bail before the learned Principal Sessions Judge, Madurai, the second respondent threatened the petitioner by posting unwanted posts in the social sites and sent unwanted mails with false allegations.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl. Side). There is no representation for the respondents 2 to 4.

7. The learned counsel for the petitioners referred to Posters sent by second respondent in social site, mails sent by second respondent abusing petitioner and her family members, the letter posted by second respondent abusing the petitioner. A <https://hcecrs.mca.gov.in/hcecrs/> said letter clearly shows that second respondent has threatened the petitioner after anticipatory bail was granted by the learned Principal Sessions Judge, Madurai, dated 18.06.2014



in Crl.M.P.No.3882 of 2014. This clearly reveals that respondents tortured the petitioner after obtaining anticipatory bail. In the circumstances, considering these facts and allegations that the respondents are misusing the anticipatory bail granted, anticipatory bail granted by the the learned Principal Sessions Judge, Madurai, dated 18.06.2014 in Crl.M.P.No.3882 of 2014 is cancelled.

8. Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge, Madurai

2. The Inspector of Police,
All Women Police Station,
Madurai South, Madurai District.

+1cc to Mr.T.Lajapathi Roy Advocate SR.No.41174

trp

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