



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.13714 of 2017

1 SANKAR
2 A.K.KAKKAPAN
3 VASANTHA
4 GANESHKUMAR

... PETITIONERS / ACCUSED 1-4

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE, STATION,
TALLAKULAM, MADURAI.
(CRIME NO.46/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.S.KIRUBAKARAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervenor : Mr.M.KANNAN, Advocate

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

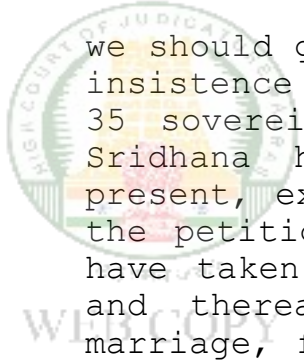
ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 498 (A) and 406 I.P.C., in Crime No.46 of 2017, seek anticipatory bail.

2.The case of the prosecution is that marriage between the first petitioner and the defacto complainant was solemnized on 11.05.2016, after the marriage, the first petitioner was giving lame excuses for all the time by not consummating the marriage. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that marriage between the defacto complainant and the first petitioner was solemnized on 11.05.2016. At the time of marriage, the first petitioner's parents had stated that the first petitioner was working as a Lecturer in a College at Coimbatore and therefore



we should give them dowry commensurate with their status. Upon their insistence and demand, the parents of the defacto complainant gave 35 sovereign of gold jewels and a sum of Rs.10 lakhs worth of Sridhana household articles towards the marriage expenses. At present, except Thali Chain, all other jewels and articles are with the petitioners custody. He further submitted that the petitioners have taken huge dowry from the parents of the defacto complainant and thereafter, the first petitioner has not consummated the marriage, further petitioners 2 to 4 are causing untold cruelty and hardship to the defacto complainant. Ultimately, neither the marriage has been consummated by the first petitioner with the defacto complainant nor he provided any basic necessity to the defacto complainant. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is transferred to All Women Police Station, Melur and the same is in the initial stage.

6.The submissions made by the learned counsel appearing on either side are considered. Admittely, the first petitioner herein is the husband of the defacto complainant and other petitioners are the family members of the first petitioner. It is alleged that after marriage, the first petitioner not interested for having the physical contact with the defacto complainant and refused the request made by the defacto complainant. As per prosecution, investigation is transferred to All Women Police Station, Melur and the same is in the initial stage. Even though the first petitioner filed an application for dissolution of the marriage, in order to complete the investigation with regard to mental cruelty committed by the petitioners, custodial interrogation of the petitioners is necessary. More over, considering the allegation levelled by the defacto complainant, this Court comes to the conclusion that there is no chance for getting reunion in this matter. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed.

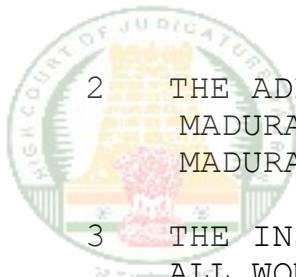
sd/-
22/02/2018

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

TO

1 INSPECTOR OF POLICE,
ALL WOMEN POLICE, STATION,
TALLAKULAM, MADURAI.



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR,
MADURAI

WEB COPY

+1. CC to M/S.R.S.KIRUBAKARAN Advocate SR.No.2886
+1 CC TO Mr. M.KANNAN , Advocate, Sr.No. 2912

MSA

JAM/02/03/2018/ CM-VR / SAR 2 / 3P-6C

ORDER

IN

CRL OP(MD) No.13714 of 2017

Date :22/02/2018