



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

Thursday, the Sixteenth day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.10211 of 2018

1 PANDIYARAJAN

2 MEENAMBAL

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
DINDIGUL DISTRICT
CR.NO.5/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.RAMASAMY, Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

For Intervenor : M/S.G.DHANALAKSHMI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(i) of I.P.C., in Crime No.5 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioner got married the defacto complainant on 11.06.2016 at P.V.K.Mahal, Dindigul. It was an arranged one. The 1st petitioner is none other than the own sister's son of the defacto complainant's father. The defacto complainant is 80% visually impaired person. Since they are close relatives, the first petitioner agreed to stay within the house of the defacto complainant after marriage. However, after the marriage, the first petitioner refused to live in the father-in-law's house at Dindigul and also demanded a house worth about Rs.80 lakhs in his favour and demanded dowry by harassing the petitioner and hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner would submit that admittedly both are close relatives. After the marriage, they



lived together in the defacto complainant's house and due to ill treatment by the father-in-law and mother-in-law of the defacto complainant, the first petitioner was driven out from their house and stayed along with the second petitioner herein at Palani. Further, he would submit that the father of the first petitioner died on 18.04.2018 and as such, he has to take care of the second petitioner, who is none other than his own mother. They never demanded any dowry as alleged in the complaint and they are willing to take the defacto complainant to the matrimonial home. Even the first petitioner agreed to live at Dindigul itself in a separate house.

4. Heard the learned Additional Public Prosecutor appearing for the respondent and the learned intervenor appearing for the defacto complainant.

5. On seeing the allegations, this Court enquired the defacto complainant and the petitioners. Though the first petitioner is willing to live with the defacto complainant, she does not want to go with him since, she had no faith on the assurance given by the first petitioner herein. In the interest of justice, this Court enquired the father of the defacto complainant. He has also stated that he is not willing to send the defacto complainant along with the first petitioner and he is also not willing to take the first petitioner in their house to live with the defacto complainant. As far as the allegation of demanding dowry by the petitioners is concerned, during the marriage, the parents of the defacto complainant presented 100 sovereign of gold to the defacto complainant and 10 sovereign of gold to the first petitioner and now, all the jewels are with the defacto complainant parents. Further, it is also seen that the second petitioner and the father of the defacto complainant are brother and sister. Even the father of the defacto complainant is not willing to send the defacto complainant along with the first petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Dindigul 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 first petitioner shall appear before the Station House Officer, Palani Town Police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required by the respondent police for interrogation. The second petitioner shall appear before the respondent police as and when required by the respondent police for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.



7. The petitioners 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 shall stand dismissed.

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sd/-
16/08/2018

/ TRUE COPY /

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

TO

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

COPY TO : THE STATION HOUSE OFFICER,
PALANI TOWN POLICE STATION, PALANI.

- +1. CC to MR.S.RAMASAMY Advocate SR.No.15780
- +1. CC to M/S.G.DHANALAKSHMI, Advocate SR.No.15796

ORDER
IN
CRL OP(MD) No.10211 of 2018
Date :16/08/2018

PK/VR/SAR-4/21.08.2018 : 3P/8C