



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.804 & 806 of 2019

HEMALATHA

... PETITIONER / ACCUSED No.4
IN CRL OP(MD)No.804 of 2019

1.JOHN DINESH KISHORE @ JOHN DINESH KUMAR

2.PAULRAJ

3.PADMA

... PETITIONER / ACCUSED No.1 to 3
IN CRL OP(MD)No.806 of 2019

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI,
Crime No.70/2018

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.R.AMARNATH Advocate
IN CRL OP(MD)No.804 of 2019

For Petitioners: Mr.G.THALAIMUTHARASU Advocate
IN CRL OP(MD)No.806 of 2019

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494, 343, 506(i) of IPC, in Cr.No.70 of 2018 seek anticipatory bail.

2. The petitioners in Crl.O.P(MD)No.806 of 2019 are the accused Nos.1 to 3, who are the husband, father-in-law and mother-in-law of the defacto complainant and the petitioner in Crl.O.P(MD)No.804 of 2019 is the accused No.4, who is the Paramour of A1.



3.The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 08.07.2017 and after the marriage they were living together in Madurai and thereafter, the defacto complainant came to know that the first accused had illicit relationship with the fourth accused and when the same was questioned by the defacto complainant, she was subjected to both mental and physical cruelty. Further, they have demanded dowry for purchasing of plot in Chennai in the name of the first petitioner. The dispute between the first accused and the defacto complainant was in such a manner, the defacto complainant had left the matrimonial home within 10 days of marriage.

4.The contention of the petitioners is that the defacto complainant had some health issues, which is she suppressed at the time of marriage. When the same was questioned by the first accused with the defacto complainant, she become very aggressive and used filthy language against the petitioners and now, she has created a false story as A1 had illicit relationship with the A4. The first accused was running the dealership business with the MNC Company and he is no need of demand of dowry. The first accused had filed I.D.O.P.No.82 of 2017 before the Family Court, Madurai for divorce. Thereafter, the defacto complainant filed a transfer application to transfer the above case to the file of the Family Court, Chennai. The said application was allowed and the case was transferred to the Family Court, Chennai and renumbered as I.D.O.P.No.4144 of 2018. The defacto complainant had filed a maintenance application and Domestic Violence case in D.V.O.P.No.84 of 2018 before the Family Court, Chennai.

5.The learned counsel appearing for the petitioners produced the medical discharge summary of the defacto complainant. It is seen from the discharge summary that the defacto complainant on her own underwent cosmetic surgery. Further, the statement given before the Protection Officer has been produced. From the statement of the defacto complainant it is seen that except for the household articles all other Sridhana Properties have been handed over to the defacto complainant and the same was received by the defacto complainant. The only grievance before the Protection Officer is that she needs medical expenses and compensation for the physical violence undergone. Further, she states that she has underwent cosmetic surgery only on the instigation of the first petitioner to make good appearance of her. Admittedly, the marriage has taken place in the month of July 2017 and the surgery has taken place during May, 2017. Absolutely, the surgery could not have been taken at the instigation of the first petitioner. He further submits that the first petitioner is ready to hand over the household articles of the defacto complainant.

6.The learned Government Advocate (Crl.side) would submit that it is a matrimonial dispute and the investigation is carrying on.



7. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Magistrate Level, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2019

/ TRUE COPY /

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



TO

1. THE ADDITIONAL MAHILA COURT,
MAGISTRATE LEVEL, MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI,

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

+1. CC to Mr.R.AMARNATH Advocate SR.No.1166

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.1167

ORDER

IN

CRL OP (MD) Nos.804 &

806 of 2019

Date :22/01/2019

TK/JC/SAR-1/28.01.2019/4P/7C