



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16783 of 2018

and

CRL MP(MD) No.9857 of 2018

1 R.VIGNESH
2 RAJA
3 R.CHITHRA

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE OF TAMIL NADU REP.BY,
THE INSPECTOR OF POLICE,
(AWPS) ALL WOMEN POLICE STATION,
TOWN HALL, TRICHY.
IN CRIME NO. 13 OF 2018

... RESPONDENT/COMPLAINANT

RAGAVI

... PETITIONER/INTERVENOR/
DEFACTO COMPLAINANT
IN CRL MP(MD) No.9857/2018

For Petitioners : MR.R.SUNDAR SRINIVASAN, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervenor : MR.K.SIVABALAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 494, 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Cr.No.13 of 2018 seek anticipatory bail.

2. The first petitioner is the husband and the second and third petitioners are father-in-law and mother-in-law of the defacto complainant. On 29.08.2018 the defacto complainant had gone to Lalitha Nursing Home, Trichy for taking treatment for her sister's daughter and at that time she saw the first petitioner along with pregnant lady and thereafter, on enquiry she found that the first petitioner had married that lady and for her treatment he came to



Lalitha Nursing Home. When she enquired about the same, she was threatened by the petitioners. Thereafter, the petitioners said to have stated that unless she brings 100 sovereigns of gold jewels as dowry, she would not be taken into matrimonial home and hence, she gave a complaint before the respondent police.

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3. The contention of the petitioner is that the petitioner and the defacto complainant are divorcees and they had married on 31.08.2014 and their marriage is a second marriage. During the marriage, some Sridhana Articles were given and lived happily. Thereafter, the defacto complainant wants to set up a separate matrimonial home, which was not liked by the first petitioner and he is the only son of his parents and he has to take care of his parents. The defacto complainant often taking up quarrel and finally she had left the matrimonial home in the year 2014. Therefore, the first petitioner filed H.M.O.P.No.332 of 2015 before the Family Court, Trichy seeking divorce on the ground of cruelty. Thereafter, at the intervention of family members, they have started to live together and a girl child was born to them on 03.07.2015. Subsequently, the defacto complainant commencing the idea of separate home and started to give trouble and admittedly she had deserted the family. The first petitioner again filed H.M.O.P.No.146 of 2016, before the Family Court, Trichy, which was pending trial. In the meanwhile, he has also filed G.W.O.P.No.10 of 2016 seeking guardianship of the minor child, which is also pending.

4. The learned counsel appearing for the defacto complainant/intervenor would submit that the defacto complainant was harassed by all the accused and thereafter, the first petitioner filed H.M.O.P.No.146 of 2016, seeking divorce. On 29.08.2018 the defacto complainant came to understand that the first petitioner was married another woman and that woman was brought to Lalitha Nursing Home for check up.

5. The learned Government Advocate (Crl.side) would submit that the investigation is going on.

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

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 Judicial Magistrate No.I, Trichirappalli 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:

<https://hcservices.ecourts.gov.in/hcservices/>

[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/-

24/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPPALLI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
(AWPS) ALL WOMEN POLICE STATION, TOWN HALL, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.SUNDAR SRINIVASAN Advocate SR.No.1406

ORDER
IN
CRL OP(MD) No.16783 of 2018
and
CRL MP(MD) No.9857 of 2018
Date :24/01/2019

AM

PK/PN/SAR-4/30.01.2019 : 3P/6C