



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16957 of 2018

1.SELVAKUMAR
2 JEYARAMAN
3 RAMALAKSHMI

... PETITIONERS/ACCUSED NOS.1,2,3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI.
(IN CRIME NO.46 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.MANIKANDAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Cr1. Side)

For Intervenor : Mr.A.B.NATARAJAN, 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), 417, 406 and 506(i) of IPC in Cr.No.46 of 2018 seek anticipatory bail.

2. The petitioners herein are A1 to A3. A1 is the estranged husband and A2 and A3 are the father -in-law and mother -in law of the defacto complainant. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place on 30.01.2015 and right from the beginning the marriage was not consummated due to physical incapability of the first petitioner. Despite the defacto complainant had provided moral support and took the first petitioner to various hospital for treatment. The petitioner's physical condition could not improved. Thereafter the first petitioner expressed that he is no more interested in the matrimonial life and inroder to solve loan due to the bank which was obtained during her sister's marriage, he had accepted for marriage. The first petitioners physical incapability has been known to the petitioners family and inoder to grab money



and jewels from the defacto complainant, they have never said anything to the defacto complainant and performed the marriage. Due to this marriage the defacto complainant not only lost her life but also jewels and cash.

3. The learned counsel for the petitioners would submit that the first petitioner was ill treated from the date of marriage. He would also submit that the petitioner did not suffer from epilepsy and he is ready for re-union. The petitioner 2 and 3 are parents of the first petitioner and they have not committed any offence as alleged by the prosecution. He would also submit that now the first petitioner is physically fit and he is ready to lead the matrimonial life.

4. The learned counsel for the intervenor/defacto complainant would submit that marriage between the first petitioner and the defacto complainant took place on 30.01.2015 and at the time of marriage 45 sovereigns of gold, Rs 3,00,000/- worth articles and a scooter was given to the first petitioner and are with the first petitioner's family and they are refusing to hand over the same to the defacto complainant. He would further submit that right from the beginning of the matrimonial life the attitude of the first petitioner is entirely strange from a normal person. He would also submit that on verification of the medical records, it could be seen that the first petitioner is in deficiency of impotency even before the marriage and he has cheated the defacto complainant. He would also submit that from the report of the Social Welfare Officer, it could be seen that there has been dowry demand and harassment to the defacto complainant. He would also submit that the defacto complainant has filed a case in M.C.No. 135 of 2018 before the Family Court, Madurai for maintenance and the first petitioner has filed a petition for restitution of conjugal rights before the Family Court, which is pending.

4. The learned Government Advocate(Crl.Side) would submit that the first petitioner knowing full well that he is impotent destroyed the life of the defacto complainant and the in-laws have also helped the first petitioner to destroy the life and in view of the same, the defacto complainant had lost her life and money and opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the fact that the first petitioner has married the defacto complainant knowing fully well that he is impotent and as such the first petitioner has played fraud on life of the defacto complainant affecting her physical, mental and biological status and hence love lost between them has come to an end and the defacto complainant had lost her life and also her jewels and cash through the attitude of the first petitioner. The above attitude of the first petitioner had collapsed the life of the defacto complainant in total and hence this court is of the view that this petition is liable to be dismissed as being devoid of merits.



6. In the result, this petition is dismissed.

sd/-
29/01/2019

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

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC TO Mr.A.B.NATARAJAN, Advocate, SR NO.43292

ORDER
IN
CRL OP(MD) No.16957 of 2018
Date :29/01/2019

MS/JC/SAR-4/12.02.2019/3P.4C