



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.10378 of 2020

Jency ... Petitioner/Defacto Complainant

Vs

- 1.The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
(FIR No.15 of 2020). ...1st Respondent/Respondent
- 2.Francis Raja ... 2nd Respondent/Petitioner

For Petitioner : M/s.I.Velpradeep,
Advocate.

For R-1 : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

For R-2 : Mr.M.Subash Babu, Advocate

PETITION FOR CANCELLATION OF BAIL Under Sec.439(2) of Cr.P.C

PRAYER :- To cancel the bail granted to the 2nd respondent by the learned Principal Sessions Judge vide has order in Cr.M.P.No.2956 of 2020 dated 20.08.2020.

ORDER

This petition has been filed to cancel the bail granted to the second respondent/petitioner herein by the learned Principal Sessions Judge, vide order, dated 20.08.2020 in Crl.MP No.2956 of 2020.

2. The learned counsel appearing for the petitioner would submit that the petitioner got marriage with the second respondent on 03.05.2004 and due to the wedlock they gave birth two children. During their marriage, the parents of the petitioner herein were gifted jewels weighing 50 sovereigns and also a sum of Rs.10 lakhs. Thereafter, the second respondent demanded huge dowry. Thereafter, the second respondent had driven out the petitioner from the matrimonial home and demanded huge dowry. The said fact was suppressed before the Court below and obtained anticipatory bail for the second respondent.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police and the learned counsel appearing for the second respondent.

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4. The learned counsel for the second respondent submitted that the entire facts has been stated before the Court below and the Court below has also granted interim anticipatory bail to R-2 and considering the fact that already the petitioner filed maintenance case in M.C. No.4 of 2019 on the file of the learned Judicial Magistrate, Musiri and also filed a petition for divorce by the second respondent in IDOP No.202 of 2019 and its pending on the file of the learned Principal Sessions Judge, Tiruchirappalli. He further submitted that, it is only an interim anticipatory bail and subsequently extended and the main petition for anticipatory bail is pending before the Court below.

5. It is seen from the records that the petitioner and the second respondent are husband and wife. They got marriage in the year 2004 and gave birth two children. Due to family dispute between them, she was separated from the matrimonial home. The second respondent has filed a maintenance petition and its pending on the file of the learned Judicial Magistrate, Musiri. Infact, the second respondent has filed a petition for divorce in IDOP No.202 of 2019 and the same is pending on the file of the learned Principal Sessions Judge, Tiruchirappalli. While pending the same, the petitioner has preferred a present complaint alleging that the second respondent pledged the jewels which was presented during their marriage weighing 50 sovereigns and also received a sum of Rs.10 lakhs from the petitioner herein. Thereafter, the second respondent failed to return back the jewels and also had driven out the petitioner from the matrimonial home. It is seen that after filing the petitions for maintenance and divorce, the present complaint has been filed by the petitioner. Further, the Court below granted interim anticipatory bail and main petition is still pending. The Court below granted interim anticipatory bail to the second respondent on the ground that the proceedings are pending between the parties. Therefore, this Court finds no merits in this petition and the same is liable to be dismissed.

6. Accordingly, the petition stands dismissed.

sd/-
23/11/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

- 1.THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPPALLI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10378 of 2020
Date :23/11/2020

KSA
TK/PN/SAR.2/04.12.2020/3P/4C