



WEB COPY

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

Date : 01/04/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.165 of 2021

1. Ajay Rex
2. Rex Packinathan
3. Margret
4. Sindhia

... Petitioners/Accused
(Rank Not Known)

Vs

State Represented by
The Inspector of Police,
All Women Police Station,
Valliyoor, Tirunelveli District.
Crime No.Not Known of 2021.

... Respondent/Complainant

J.Joyslin

... Petitioner/Defacto Complainant
in CRL MP(MD)No.1811 OF 2021 IN
CRL OP(MD)No.165 OF 2021

For Petitioners : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

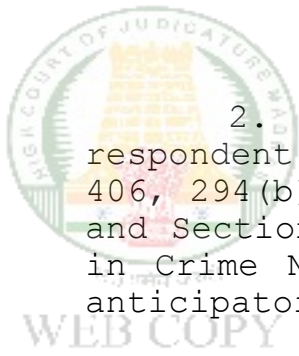
For Intervener : Mr.Aayiram K. Selvakumar, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.Not known of 2021 on
the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners
and the learned Government Advocate(Crl. Side) appearing for the
respondent.



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b) and 506(i) of I.P.C., Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.6 of 2021 on the file of the respondent police, seek anticipatory bail.

3. When the matter was taken up for hearing on 29.03.2021, the learned Government Advocate (Crl. Side) sought time as to whether a case has been registered or not. When the matter was taken up for hearing today, ie., 01.04.2021, the learned Government Advocate (Crl. Side) submitted that as against five persons including the petitioners a case in Crime No.6 of 2021 for the offences under Sections 498(A), 406, 294(b) and 506(i) of I.P.C., Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act has been registered.

4. The case of the prosecution is that first petitioner married the defacto complainant on 20.02.2020 at C.S.I. Church, Valliyoor. At the time of marriage 150 sovereigns of gold jewels, a sum of Rs.10,00,000/- and a car was presented as dowry. The first petitioner is doing his studies in M.S. in SRM Medical College, Chennai. In order to pursue his studies, he left the defacto complainant in his house and went to Chennai. Thereafter, the petitioners harassed and humiliated the defacto complainant by demanding additional dowry. Hence, the present complaint.

5. It is seen that at the time of marriage, 150 sovereigns of gold and household articles were given as dowry and an extent of 2.85 was promised to be presented and all the demands were met and the marriage was done in a grant scale. The first petitioner was doing his post-graduation in M.S. Second year in SRM Medical College, Chennai at the time of marriage. When father of the defacto complainant planned to present a car, the first petitioner represented him that his education fees for the course would be paid immediately. Hence, the father of the defacto complainant gave a demand draft for a sum of Rs.15,00,000/- on 08.01.2020 in favour of SRM Medical College and again on 06.03.2020 a demand draft was drawn for a sum of Rs.9,00,000/- in favour of the same college for the first petitioner. The defacto complainant spends money in lakhs for the marriage expenses. The petitioner in greed of extracting more money kept away the first petitioner and the defacto complainant separately lived for a period two weeks after their marriage. The first petitioner left his wife in the matrimonial home and went to continue his studies. The defacto complainant was harassed and humiliated by the petitioners. The valuables of the defacto complainant are still retained by the petitioners.

6. The learned counsel appearing for the petitioners submitted that the first petitioner and the defacto complainant married on 20.02.2020. The defacto complainant's father was aware that the

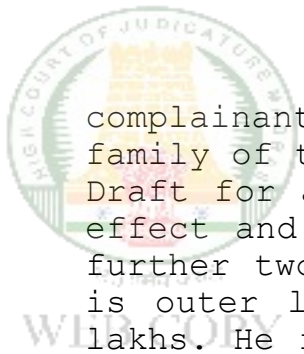
complainant

7. The learned counsel appearing for the intervener/defacto complainant submitted that the father of the defacto complainant by his hardwork and endurance, he had acquired wealth and became famous in the society. He had spent lakhs of rupees for her own daughter's marriage and offered 150 sovereigns of gold and other household articles at the time of marriage. He further submits that even prior to the marriage, the first petitioner informed the father of the defacto complainant that he is in need of money for his education. He paid the same without any hesitation. The petitioners were only interested in his wealth and they are demanding more money and insisting him to fulfil his promise by transferring the landed property in favour of the first petitioner. The first petitioner did not allow the defacto complainant to live with him at Chennai but she was left with the petitioners 2 and 3 and the first petitioner had gone to Chennai to continue his studies. The defacto complainant was harassed and humiliated and she was treated as a maid in her matrimonial home. Though several mediations were held, they had ended in vain. The petitioners only wanted the wealth of the father of defacto complainant and the first petitioner only wants to live his life independently.

8. The learned Government Advocate (CrI. Side) submitted that it is a matrimonial dispute. A case has been registered and investigation is just commenced after registering the FIR. The petitioners are making huge demands. The defacto complainant's father paid college fees for the first petitioner even prior to the marriage.

9. This Court had occasion to interact with the first petitioner and his estranged wife namely., Joyslin along with their respective counsel. Despite this Court took earnest steps to resolve the disputes, the same went in vain. The first petitioner is more focus on his career and wants to become most popular in his profession.

10. At this stage, the learned counsel for the petitioners
<https://hcrs.courts.gov.in/Hcrs/cases/> submitted that earlier both the petitioners and the defacto



complainant's family have agreed that Rs.51 lakhs to be paid to the family of the victim girl. The first petitioner had produced Demand Draft for a sum of Rs.30 lakhs and also filed an affidavit to that effect and in order to pay balance amount of Rs.21 lakhs, he seeks further two months time. He further submitted that this two months is outer limit to take all earnest steps to pay balance of Rs.21 lakhs. He further submitted that he will hand over all the valuable jewels and household articles, whichever belongs to the defacto complainant. Likewise, the defacto complainant will hand over the valuables of the petitioner to the petitioner. Both the family may do workable solution so that eternal peace will be brought. The payment and agreement shall not admit the case and affect his right. If any of the undertaking is breached, the anticipatory bail now granted will automatically stands cancelled.

11.In view undertaking given by both the parties, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

12.Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Valliyoor, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two common sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/04/2021

WEB COPY

/ TRUE COPY /

/ /2021

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.

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLIYOOR, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-2889[I] dated 01/04/2021)

ORDER
IN
CRL OP(MD) No.165 of 2021
Date : 01/04/2021

IAS
AE/JC/SAR-III (09/04/2021) 5P /6C