



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

Date : 06/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.3050 of 2021

1. Keerthirajan
2. Veeraputhiran
3. Umapriya
4. Pavana

... Petitioners/Accused Nos.1 to 4

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
Crime No. 5 of 2021.

... Respondent/Complainant

Lakshmipriya

... Petitioner/Intervener
in CrI.MP(MD)No.3473/2021
in CrI.OP(MD)No.3050/2021

For Petitioners : Mr.N.Mohideen Basha,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (CrI.Side)
For Intervenor : Mr.S.Chakkaravarthy
Advocate.

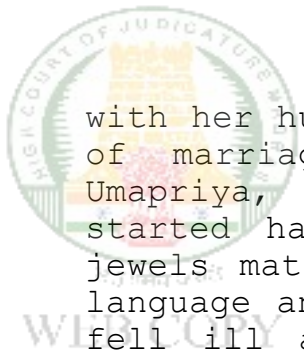
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.5 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent for the alleged offence punishable under Sections 498(A), 294(b) and 324 of IPC, in Crime No.5 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the first petitioner was celebrated on 13.06.2019 at M.S.Mahal, Paravai. She was provided with jewels and sridhana articles. Next day from the marriage, she started living



with her husband at R.R.Nagar in Bangalore. Even from the next day of marriage onwards, the de-facto complainant's mother-in-law Umapriya, father-in-law-Veerapathiran, husband's sister-Pavana started harassing and stated that she did not bring sufficient jewels matching their status and also they scolded her in filthy language and tried to beat her. Three days from the marriage, she fell ill and her mother-in-law took her to hospital and doctor prescribed medicine for Rs.1500/-. While she asked money from her mother-in-law, she gave only Rs.500/-. When she told that money is not sufficient, mother-in-law scolded her by saying that this amount is enough for the jewellery, she brought. She found that her husband was speaking to his mother about some personal affair that had taken place between her and her husband within four walls. She asked him as to why he was doing like that. Her father-in-law told her that they would be like that only, if she wants she can live with them or go out of the house. On the same day, her sister-in-law beat her and made her to sleep outside of the house. She got employment in Bangalore and her salary was given to her husband. Her father-in-law and mother-in-law scolded her and asked both of them to live in a separate house. Therefore, they moved a separate resident at Electronic City, Bangalore. Her husband under the influence of alcohol had beaten her when she asked him about his conversation over phone with other ladies. Not able to bear this torture, the de-facto complainant went to her father's house. At the time, the de-facto complainant was pregnant and the same was informed to her husband. But her husband questioned how she became pregnant and suspected her fidelity. Her father-in-law and mother-in-law also abused her in filthy language. As a result of the tension and mental drama, the fetus got aborted. She gave a complaint and it was registered as C.S.R.No.42 of 2020. There was a compromise and on the basis assurance given by her husband that she will not be harassed again, she had again gone to Bangalore. During corona period, they had no income. Her father-in-law is not willing to provide a food to them. Thereafter, the de-facto complainant and her husband came to Madurai to her father's house to work from home in August 2020 and lived with him for three months. Thereafter, in December 2020, the first petitioner/husband took separate house in the same place which is near to the de-facto complainant's parent's house for rent. Thereafter, the petitioners 2 and 3 frequently called the first petitioner/husband and they insisted the first petitioner to leave the de-facto complainant and return back to Bangalore or otherwise the petitioners 2 and 3 threatened the first petitioner that they would give entire property to his sister. On 15.12.2020, the first petitioner asked the de-facto complainant to give the entire jewels for his business and attacked the de-facto complainant. Due to the attack, the de-facto complainant sustained blood injury on her stomach. Due to torture, the de-facto complainant consumed sanitizer to commit suicide. Immediately, she was taken to Vadmalayan Hospital and saved. Then, the husband of the de-facto complainant without informing her, had taken all his things and he went to Bangalore.

<https://hccourts.madurai.gov.in/tolives> case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the allegations made in the complaint are false. The real fact is that the de-facto complainant does not want to go and live in Bangalore. She wanted her husband to come and live at Madurai. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned counsel for the de-facto complainant opposed this petition on the ground that the de-facto complainant was harassed by her husband, her parents-in-law and sister-in-law, she was abused and tortured/physically and mentally. Her husband had not taken care of her. Therefore, he prays for dismissal this petition.

5.The learned Government Advocate (Criminal side) strongly opposed this petition on the ground that investigation in this case is not completed. He further submitted that the matter was already referred to mediation and conciliation and centre attached to this bench against A-1 on 12.03.2021. But the first petitioner and the de-facto complainant failed to appear before the mediation centre.

6.From the aforesaid narration of the facts, it shows that ever since from the date of marriage, it is alleged on behalf of the de-facto complainant that the accused in this case had been harassing her physically and mentally stating that she did not bring jewellery and sridhana articles matching their status. Apart from that, it is said that, she was verbally abused, physically harmed and made to sleep outside of the house one day. There are allegations and counter allegations. The truth or falsity of these allegations in the First Information Report cannot be decided while considering anticipatory bail petition. It is a matter for trial. However, this Court is of the considered view that there are some serious allegations against the husband of the de-facto complainant/first petitioner. It appears that he has not taken care to maintain his wife and caused physical and mental harassment to her.

7.Taking the totality of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 and dismiss this petition against the first petitioner.

8.Accordingly, the petitioners 2 to 4 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, Vaadipatti, on condition that the petitioners 2 to 4 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 learned Magistrate concerned and on further condition that:



[a]the petitioners 2 to 4 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;

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[b]the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation;

[c]the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-
06/07/2021

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/ /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, VADIPATTI,
MADURAI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT.

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

+1. CC to Mr.S.J.CHAKKARAVARTHY, Advocate SR.No.4421

ORDER
IN
CRL OP(MD) No.3050 of 2021
Date :06/07/2021

SJI
PK/SKN/SAR-II/09.07.2021 : 5P/6C