



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21.10.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.9161 of 2021

- 1.N.Ramprakash
- 2.Nagalingam
- 3.Sujatha
- 4.Vithyasakar @ Viyasakar
- 5.Sanmugam @ Shanmugam
- 6.Sasikala @ Sathya Narayani
- 7.Priyadharsini @ Priyadharshini ... Petitioners/Accused
Person Nos.1 to 7

Vs

The State represented
by the Inspector of Police,
All Women Police Station,
Thilagar Tidal,
Madurai City.
[Cr.No.13 of 2021]

... Respondent/Complainant

For Petitioners : Mr.C.Jeganathan,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor
For Intervenor : M/S.SURESH KANNAN, Advocate

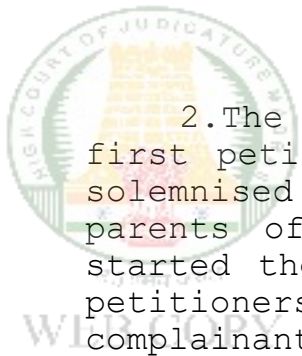
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :

The petitioners apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
498(A), 323, 294(b), 406, 109 and 506(i) IPC in Crime No.13 of 2021,
seek anticipatory bail.



2.The case of the prosecution is that the marriage between the first petitioner / husband and the defacto complainant / wife was solemnised on 14.11.2018. The second and third petitioners are parents of the first petitioner. After the marriage, the couple started their matrimonial life at Thiruthuraipoodni. While so, the petitioners have demanded additional dowry from the defacto complainant and has also subjected her to cruelty. Hence, the complaint.

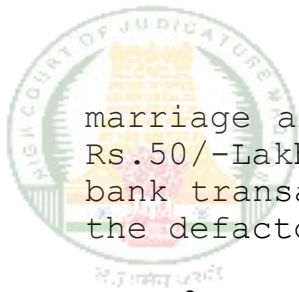
4.The learned counsel for the petitioners submitted the first petitioner is the husband of the defacto complainant. The second and third petitioners are father-in-law and mother-in-law of the defacto complainant respectively. Fifth and sixth petitioners are the maternal uncle and aunt of the first petitioner respectively and the seventh petitioner is the friend of the first petitioner. The petitioners 2 to 7 are residing separately and there is no domestic relationship between them and the defacto complainant, at any point of time. However, the entire family members of the first petitioner have been roped in.

5.The learned Counsel further submits that first petitioner has already filed a petition for divorce before the Mannargudi Family Court in H.M.O.P.No.32 of 2021 and on receipt of summons in that case, the present complaint has been foisted. The learned Counsel has relied on the decision of the Hon'ble Apex Court in **Rajesh Sharma Vs State and another** in Criminal Appeal No.1265 of 2017, dated 27.07.2017.

6.This Court on the earlier occasion, considering the nature of offence, relationship between the parties referred this matter to the District Social Welfare Committee. Accordingly, the District Social Welfare Officer has also conducted enquiry between the parties that though the defacto complainant was willing for reunion, the first petitioner by referring the HMOP filed by him before the Family Court, is not inclined for any settlement.

7.The defacto complainant is also represented through Advocate Mr.R.Ilayaraja. The learned Counsel contends that the marriage was solemnised in the year 2018 at Madurai and at that time of marriage, 15 sovereigns of gold jewels were gifted to the bride in addition to 18 sovereigns of gold jewels to the bride groom and the marriage was conducted in a grand manner by the parents of the defacto complainant by spending more than Rs.50 Lakh. The first petitioner was keen in getting the properties and wealth of the defacto complainant and he often demanded money from her. The parents of the defacto complainant has also paid a sum of Rs.50/- Lakh as cash to the first petitioner and another sum of Rs.50 Lakh through DD.

8.The learned Counsel further submits that some jewels were gifted by the parents of the defacto complainant at the time of



marriage and the same is with the defacto complainant and a sum of Rs.50/-Lakh was also refunded to the defacto complainant through bank transaction. He also produced certain medical certificates that the defacto complainant is having certain health issues.

9.Considering the facts and circumstances of the case, it is a matrimonial dispute and the first petitioner has also returned the sridhana articles and part of money to the defacto complainant and their non-willingness for reunion, the report of the District Social Welfare Officer, this Court is inclined to grant anticipatory bail to the petitioners.

10.Accordingly, this criminal original petition is allowed. 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, Additional Mahila Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioners shall report before the respondent police daily and other petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 petitioner are 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.

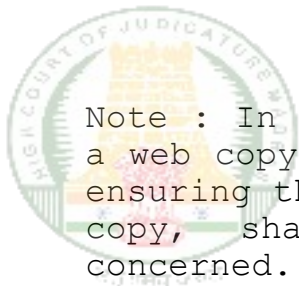
sd/-

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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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THILAGAR TIDAL,
MADURAI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MOHAMED AYUB.M.S, Advocate SR.No.7272

ORDER
IN
CRL OP(MD) No.9161 of 2021
Date :21/10/2021

dsk

SS/JM/SAR-II/11.11.2021 : 4P/6C