



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

Thursday, the Sixteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.16647 of 2021

KAMALESH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR,
TRICHY DISTRICT.
CR.NO.18 OF 2021

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU, Advocate

For Respondent : Mr.M.VAIKKAM KARUNANITHI
Government Advocate

For Intervenor : Mr.R.ALAGUMANI, Advocate

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

PRAYER:

For Anticipatory Bail in Crime.No.18 of 2021 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A) and 506(i) IPC, in Crime No.18 of 2021 and seeks anticipatory bail.

2.The petitioner is facing the charges under sections 498(A) and 506(i) IPC.

3.It is a matrimonial dispute. The de-facto complainant was married to this petitioner, on 19.05.2016. After the marriage, this petitioner pressurized the de-facto complainant to give additional dowry of jewels and money. So she was harassed. Later they went USA for employment and during stay in USA, there was also harassment by demanding more dowry. On 30/07/2020, the father of the de-facto complainant died, so she left India along with this petitioner in October 2020. But however she was not allowed to attend the funeral



rites of her father, who died in India. So even after that, harassment continues and she suffered mental agony and torture at the hands of the accused persons. On 19/07/2021 she was taken to her paternal home and there she was left stating that she must bring more jewels and dowry.

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4.Now the case of the petitioner is that due to personal vengeance, this complaint has been given by the de-facto complainant and she was not discharging her duties of wife.

5.As usual, there is allegation and counter allegation between the husband and wife. This matter was referred to the Mediation and Conciliation Centre, attached to this Bench. But however, in-spite of effort that has been made, it could not be settled. The matter has been kept pending for a very long time and repeatedly the interim orders were adjourned and extended.

6.The Mediator has filed a report stating that during the mediation process, the de-facto complainant insisted the petitioner to return her educational certificates and original documents as well as passport, birth certificate of her child and also monthly maintenance for their livelihood. At the advise of the Mediator, the petitioner agreed to return the original certificates of the de-facto complainant and ready to hand over the Xerox copy of the passport and birth certificate of the child. He is also agreed to pay the monthly maintenance as fixed by this court, till the reunion.

7.When the matter was heard on 10/12/2021, both the petitioner and the de-facto complainant stick to their point. The de-facto complainant wants her educational certificates, passport, birth certificate of the child to be returned to her.

8.According to her, she has to admit her child in the school for that purpose, she required the birth certificate, which would show that she is the guardian of the child, she has also interested for the welfare of the child. But the petitioner is ready to return the Xerox copy of the birth certificate. In so far as the educational certificates are concerned, it is ordered to be returned to her which was also accepted by the de-facto complainant.

9.Now for knowing the petty reasons, it appears that both the petitioner and the de-facto complainant are not ready to live jointly. They got the child. At least in the interest of the child, both the husband and wife must correct themselves and start matrimonial life. But instead, it appears that the petitioner decided to give the monthly maintenance till re-union occurs. For what reason, both of them went to live separately is also not clear.

10.So this petition can be **disposed of** with the following



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(i) The petitioner must return the original of certificates and passport of the de-facto complainant within a period of 15 days from the date of receipt of this order copy;

(ii) Till reunion occurs between the petitioner and the de-facto complainant, the petitioner must pay Rs.25,000/- (Rupees Twenty Five thousand only) as monthly maintenance to the de-facto complainant and the child. The payment of maintenance must start from the month of January 2022, until further order is passed.

(iii) For the purpose of exploring possible of reunion, the **interim order already granted by this court, is extended for a further period of three months, from today.** The parties must inform the court, after three month with regard to the development of the issue by way of filing miscellaneous petition.

sd/-

16/12/2021

/ TRUE COPY /

/ /2021

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUVERUMBUR,
TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16647 of 2021

Date : 16/12/2021

PKP/JM/SAR-2/22.12.2021/3P/3C