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Crl.M.P. No. 5424 of 2022

in

Crl.O.P.No.22484 of 2021

T.V.THAMILSELVI, J.

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the 1st respondent in Crl.O.P.No. 22484 of 2021 dated 24.01.2022.

2. The Petitioner herein is the defacto complainant, who lodged a complaint against her husband and her in-laws as they harassed her by demanding dowry. Based upon that complaint, it was registered in Crime No.12 of 2018 by the 2nd respondent police.

3. Immediately, her husband Manikandan filed H.M.O.P.No. 2487 of 2015 before the Family Court, Chennai seeking for the relief of restitution of conjugal rights, but suppressing the fact, he had illegal relationship with one Tharadevi. Subsequently, he filed a petition for divorce in H.M.O.P.No.4843 of 2015 and the petitioner also filed a petition for restitution of conjugal rights before the Sub-Court, Tuticorin in



H.M.O.P.No.30 of 2016 and thereafter, as per the order passed in Tr.C.M.P.

No.227 of 2016, the case was transferred to Sub-Court, Tuticorin, but in all the proceedings, Manikandan has not appeared. Subsequently, the petition filed for restitution of conjugal rights decreed exparte in favour of petitioner and the maintenance case was also decreed in favour of petitioner and her daughter by awarding a sum of Rs.6000/- as maintenance. Now the said Manikandan solemnised the marriage with the said Tharadevi on 19.02.2018 suppressing their earlier marriage. As per the complaint given by the petitioner, the F.I.R. in Crime No. 12 of 2018 was registered against Manikandan, Murugan and one Annalakshmi and Mrs. Sornadevi, 1st respondent herein under Sec. 498-A, 494 read with Sec.120 I.P.C. Subsequently, the parents of Manikandan obtained anticipatory bail and in the meanwhile, Manikandan managed to get a passport and escaped to foreign country. While so, the 1st respondent herein Sornadevi, who is sister of Manikandan filed an anticipatory bail petition in Crl.O.P. No.22484 of 2021. At that time, as per the direction of this court, Manikandan appeared through V.C. from U.S.A. as if he is residing USA, but, in fact, he is very much available in Chennai only. Furthermore, he has not paid the arrears of



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maintenance. On considering the pendency of maintenance case, this Court directed the said Manikandan to pay a sum of Rs.1 lakh on or before 10.02.2022 while granting anticipatory bail to the said Sornadevi, sister of Manikandan.

4. Now, the petitioner has come forward with a petition to cancel the anticipatory bail stating that neither her husband complied the said condition nor the 1st respondent has taken steps to pay the amount through her brother though she released as per the order passed in the anticipatory bail petition. Therefore, she prayed to cancel the anticipatory bail granted in favour of 1st respondent in the above complaint.

5. At the time of argument, the learned Government Advocate (Crl. Side) submitted that Sornadevi is sister in law of defacto complainant is not a party to the maintenance proceedings. But, on considering the entire facts of the case, for all these years, the petitioner and her child has not been properly maintained neither by her husband nor by her inlaws, she alone maintained the child and living separately. But, as per the records, more



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than three years, there is arrears in payment of maintenance, but it was not complied by the said Manikandan and he hiding himself as if he is residing in abroad. This Court is not aware of whereabouts of Manikandan, but at the same time, he has not taken any steps to pay arrears of maintenance. Furthermore, though the 1st respondent, who is sister of Manikandan, but as per the F.I.R. allegation, she has also conspired with his brother and caused harassment to the defacto complainant. So, as a sister-in-law, she also caused harassment as per the F.I.R. allegation. However, the 1st respondent also not taken any steps to advise her brother Manikandan to settle the issue amicably nor advising him to pay arrears of maintenance. So, on seeing all her part, they have not cooperated for the investigation. Hence, the reasons assigned by the petitioner is sufficient. Accordingly, the anticipatory bail granted by this court on 24.01.2022 to the petitioner is cancelled. Accordingly, this Criminal Miscellaneous Petition is allowed.

19.10.2022

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