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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/09/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP (MD) No.1473 of 2022

1.Vijayakumar	... 1 st Petitioner/Accused No.1
2.Govindhan	... 2 nd Petitioner/Accused No.2
3.Palpandi	... 3 rd Petitioner/Accused No.4

Vs.

1.State rep. By
The Inspector of Police,
All Women Police Station,
Rajapalayam Police Station,
Viruthunagar District.
(Crime No.1 of 2022) ... Respondent/Complainant

(*) 2.V.Pandiselvi ... 2nd Respondent/Defacto
Complainant

(*) (R2 Suo Motu impleaded as per order
of this Hon'ble Court dated 10.02.2022
in Crl.O.P. (MD) No.1473/2022 by KMSJ)

For Petitioners : Mr.P.Karthick, Advocate

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate(Criminal side)

For 2nd Respondent : Mr.S.Ramasamy, Advocate

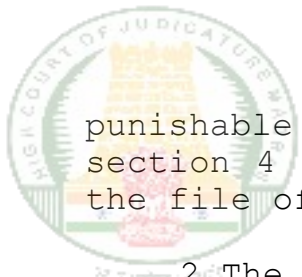
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

PRAYER:-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1, A2 & A4 apprehending
arrest at the hands of the respondent police for the offences



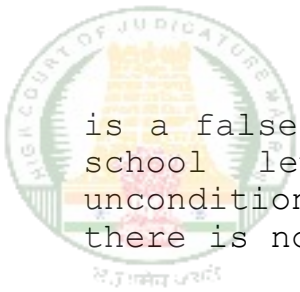
punishable under sections 498(A), 294(b), 406, 506(i) and section 4 of Dowry Prohibition Act, 1961, in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the marriage between herself and A1 was performed, on 13/03/2019. At the time of marriage, she was provided with jewels, sufficient household articles, etc. At the time of marriage, the accused persons demanded excess money and jewels as dowry. They started their life at Deevattipatti in Salem District. At that time, the father-in-law and the second wife of A1 and the mother-in-law came to their house and demanded jewels. A1 was having some illicit intimacy with one Santhi. So she was harassed and tortured in a drunken mood. She was also assaulted. She lodged a complaint before the Deevattipatti Police Station. In the enquiry, A1 was warned. She was tortured to the level of committing suicide. On 16/11/2021, A1 met with an accident and was admitted in the SKS Hospital, Salem. At that time, the above said Santhi paid money by preventing the de-facto complainant to settle the bill. But however, the de-facto complainant settled the bill. He was taken care only by the above said Santhi. Thereafter, she could not contact A1. On 07/12/2021 at about 11.00 pm in the night, A1's father Govindhan and his aunt's son Palpandi and Santhi came to their house and demanded Rs.2,00,000/- and 15 sovereigns of jewels. She was also abused and A5 also demanded the above said jewels and Rs.2,00,000/-, when they were also in the custody of 18 sovereigns of gold jewels. On the basis of the complaint given by the de-facto complainant, now the case has been registered.

3.Seeking anticipatory bail, this petition has been filed by the petitioners, who are arrayed as A1, A2 and A4.

4.The de-facto complainant was impleaded as second respondent and the matter was referred to mediation and there is no settlement in the mediation process for unknown reasons. Again all the parties present before the court and the court made an enquiry with the parties. The de-facto complainant was very much willing to join with A1. But however, A1 repeatedly telling before the court that when he was admitted in the hospital, no proper care was taken by the de-facto complainant and when he was in the hospital, a false complaint has been made. According to him, if he joins with the de-facto complainant, then his life will be in danger. Repeated persuasion by this court and by the learned counsel on record on either side, A1 is not willing for reunion.

5.But however, the de-facto complainant was insisting that she must be taken to the matrimonial home. But A1, as mentioned earlier, is very strong in his stand. The conduct on the part of the first petitioner cannot be appreciated and the fear that is expressed by A1 seems to be unrealistic one. He want to take vengeance upon the de-facto complainant for lodging the complaint. He insisted that the de-facto complainant must withdraw the complaint stating that it



is a false one. Because of the complaint, he suffered a loss at the school level itself. So according to him, unless, such a unconditional undertaking has given by the de-facto complainant, there is no possibility for reunion.

6. As mentioned earlier, such a stand cannot be appreciated. Simply because the de-facto complainant has given a complaint making some such of allegation, that should not be permitted to take away her life. As mentioned earlier, in the present situation, the mind of the first accused is not going to change immediately. He may be given opportunity to think over the matter.

7. Already much effort has been made by this court to settle the issue between the parties. So anticipatory bail is granted on condition that A1 must take the second respondent/de-facto complainant to the matrimonial home within a period of one month and if any violation is noticed, then the 2nd respondent is at liberty to file appropriate petition for cancellation of bail in respect of A1 is concerned before the concerned court.

8. Considering the facts and circumstances of the case, this court **is inclined to grant anticipatory bail** to the petitioners 1, 2 & 3 with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court, Srivilliputtur and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petitions for anticipatory bail will stand dismissed.

Sd/-
02/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUTHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1473 of 2022
Date :02/09/2022

SP/SVR/SAR I/15/09/2022/4P/4C