



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 21.04.2022

PRONOUNCED ON: 27.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4409 of 2022

1.Munish Divakar @ Muneeshthivakar
2.Ramachandran
3.Vasuki @ Vasugi
4.Pandiarajan @ Raja
5.Sumathi

... Petitioners/Accused No.1 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.
(In Crime No.5 of 2022)

... Respondent/Complainant

R.Nandhini

,,, Petitioner/Petitioner/
De-fact Complainant
(Crl.M.P.(MD)No.3654 of 2022)

For Petitioner : Mr.S.Ramsundarvijayaraj, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl. side)

For Intervenor : Mr.S.Alagarsamy, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the
respondent police.



ORDER : The Court made the following order :-

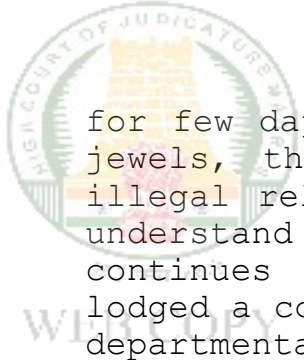
The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (a), 495 and 506(ii) IPC and Section 4 of Dowry Prohibition Act, in Crime No.5 of 2022 on the file of the respondent police, seek anticipatory bail.

2.Admittedly, the marriage between the de-facto complainant and the first petitioner was solemnized on 10.09.2021, that the petitioners 2 and 3 are the parents, that the fourth petitioner is the brother and that the fifth petitioner is the sister of the first petitioner.

3.The case of the prosecution is that since the first petitioner was working as a Deputy Jailor, the petitioners had demanded 100 sovereigns of gold jewels and srithana articles worth about Rs.10 lakhs as dowry, that the parents of the de-facto complainant have given 40 sovereigns of jewels and five sovereigns of jewels to the first petitioner and srithana articles worth about Rs.7 lakhs, that the petitioners have not allowed the de-facto complainant to have marital life and directed her to bring the remaining 50 sovereigns of jewels as demanded by them, that the de-facto complainant subsequently, came to know that the first petitioner is having illicit affairs with one Saranya, who was then working as a Assistant Jailor, Mannarkudi Sub Jail, that the petitioners 2 to 5 by suppressing the relationship between the first petitioner and the said Saranya, had arranged marriage and after receiving the dowry as mentioned above, had conducted the marriage of the first petitioner with the de-facto complainant, that when the illicit affairs of the first petitioner was questioned, the petitioners had threatened her not to disclose about the same to anybody and in case if she reveals the same, they would kill her and buried her in the home itself and informed the outside that she had eloped with somebody, that they have also not provided food to her and she was kept in a locked separate room, that the complainant had subsequently came to know that the first petitioner is also having illicit relationship with some other women and that therefore, she was forced to leave matrimonial house within one month from the date of marriage. Hence, the complaint.

4.The petitioners' case is that they are innocents and they are in no way connected with the offences as alleged and that they will not abscond.

5.The learned counsel for the intervenor would submit that even after the marriage, the first petitioner was indulged in illegal activities with Assistant Jailor, Saranya, that the first petitioner obtained leave and went to Goa along with the said Saranya, who is the destitute women, in the month of August 2021, that the de-facto complainant and the first petitioner were living as husband and wife



for few days and at that time, she was forced to handover the gold jewels, that the intervenor only after coming to know about the illegal relationship and the petitioners misbehaviour, she came to understand that there is endanger to her life and property, if she continues to live with the petitioners, that the intervenor also lodged a complaint to the Jail Authorities and they have been taking departmental proceedings as against the first petitioner and that even during the short span of time, the first petitioner and the other petitioners caused untold hardships to her. He would further submit that they are having video coverage relating to the relationship between the first petitioner and the said Saranya, that the petitioners had totally spoiled the life of the de-facto complainant. The learned counsel for the de-facto complainant has also produced the Indigo Air Ticket booking confirmation status report to show that the first petitioner and the said Saranya went to Hyderabad and Goa jointly.

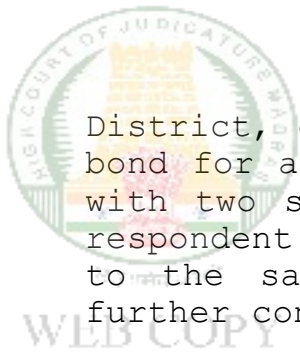
6.The learned counsel for the petitioners would submit that the husband of the said Saranya has sent a legal notice to the de-facto complainant and her father directing them to express their regrets and also to pay compensation of Rs.25,00,000/- for making false allegations as if the first petitioner had affairs with the said Saranya and he has also produced the copy of the said legal notice along with photographs of the first petitioner and the de-facto complainant taken in a private place.

7.The learned Government Advocate (Crl. side) would submit that the petitioners 2 to 5 had visited the house of the said Saranya, Mannarkudi and informed her that she had spoiled the life of the first petitioner and the de-facto complainant and directed her not to have any contact with the first petitioner and has produced the transcript of conversation exchanged therein.

8.Considering the seriousness and gravity of the offence alleged and also taking note of the alleged illicit affairs between the first petitioner and the said Assistant Jailor, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed against the first petitioner is concerned.

9.But at the same time, considering the fact that the petitioners 2 to 5 are the parents and in-laws of the de-facto complainant and also taking note of the fact that the de-facto complainant has raised general and omnibus allegations against them and also the fact that the petitioners 2 to 5 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

10.Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni



District, on condition that the petitioners 2 to 5 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners 2 to 5 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;

(b) the petitioners 2 and 4 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation;

(c) the petitioners 3 and 5 shall report before the respondent police as and when required for interrogation;

(d) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 to 5 shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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]**; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
27/04/2022

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

SJI

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

+1. CC to M/S.RAMSUNDARVIJAYARAJ.S Advocate SR.No.3931

+1. CC to M/S.S.ALAGARSAMY, Advocate SR.No.4017

ORDER
IN
CRL OP(MD) No.4409 of 2022
Date :27/04/2022

SP/VR/SAR IV/02/05/2022/5P/7C