



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 04/08/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.6789 of 2022

Mr.K.Vino

... Petitioner/Sole Accused

Vs.

1. State rep.by

The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.

(Crime No.3 of 2022)

... Respondent/Complainant

(*) 2.Ambiga

... 2nd Respondent/Defacto
Complainant

(*) (R2-Suo Motu impleaded as per order
of this Hon'ble Court dated 12.04.2022
in Crl.O.P.(MD)No.6789 of 2022 by KMSJ)

For Petitioner : Mr.T.Lajapathi Roy, Advocate

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

For 2nd Respondent : Mr.D.Anbarasu, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 294(b), 406, 498(A) and 506(i) IPC, in
Crime No.3 of 2022 on the file of the respondent police, seeks
anticipatory bail.



2.The case of the prosecution is that the de-facto complainant is the wife of the accused. She lodged a complaint stating that the marriage between herself and the accused took place, on 06/07/2016. It was a second marriage for her. At the time of marriage, she was provided with sufficient sreedhana, jewels, etc. Right from the marriage, the accused used to come in a drunken mood, picked up quarrel, abused in filthy language and criminal intimidation was also continued. She was also physically assaulted. She was also driven out of the house to bring money. There was a compromise between them. Thereafter, started living together. On 06/07/2019 again, she lodged a complaint, on the basis of the assault. There was a compromise at that time also. Even though she was living together, the accused in a drunken mood used abusive language and also assaulted her, There was also a demand of Rs.2,00,000/-. Over which, the present complaint has been registered.

3. Seeking anticipatory bail, this petition has been filed by the petitioner.

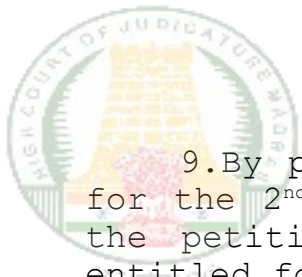
4.The learned counsel appearing for the petitioner would submit that in more than one occasions, complaint were given and suppressing the above said complaints, the present case has been registered. He would further submit that in both the complainants, there was compromise between the parties only to extract the money and this complaint has been given only after allowing IDOP No.30 of 2015, wherein divorce was granted.

5.It is further submitted that the de-facto complainant also suppressed the first marriage and she was not even informed about divorce of her first marriage. But the de-facto complainant says that the first marriage between herself and one P.Richard Paul was dissolved through mutual consent in IDOP No.30 of 2015. Only after that, she married this petitioner and she was well informed about the first marriage and divorce.

6.Now whatever it may be, perusal of the records shows that in more than one occasions, there was compromise between the parties. During enquiry by the respondent police, at one point of time, this petitioner wanted to return the jewels and other money, that was borrowed by him. He undertook to return 20 sovereigns of jewels and Rs.9,40,000/- and he wanted to settle the same after selling the property.

7.Now the learned counsel appearing for the 2nd respondent/de-facto complainant would submit that suppressing the above said fact only the present criminal original petition has been filed.

8.No doubt, there was no document with reference to the above said return of 20 sovereigns of jewels and the amount of Rs.9,40,000/-.



9.By pointing out this document, the learned counsel appearing for the 2nd respondent/de-facto complainant would submit that since the petitioner has not complied the above condition, he is not entitled for anticipatory bail.

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10.But however, the learned counsel appearing for the petitioner would submit that those documents were executed under pressure in the police station. Now whatever it may be, the petitioner must at least deposit Rs.6,00,000/- to show his *bona fide*.

11.Considering the above facts and circumstances of the case, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Mahila Court, Madurai and on his 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 **on further condition that the petitioner shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of the crime No.3 of 2022 within a period of one month from the date of receipt of a copy of the order** and on further condition that the petitioner shall appear before the respondent police, daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
04/08/2022

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/08/2022

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

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

+1. CC to M/S.LAJAPATHI ROY T Advocate SR.No.8186

+1. CC to M/S.D.ANBARASU Advocate SR.No.8244

ORDER

IN

CRL OP (MD) No.6789 of 2022

Date :04/08/2022

SP/JM/SAR II/25/08/2022/4P/6C