



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

RESERVED ON : 11.08.2022
PRONOUNCED ON : 12.08.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11071 of 2022

Munish Divakar @ Muneshthivakar

...Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

2. R.Nandhini

... Petitioner/Intervenor/
Defacto Complainant
in Cr1.MP(MD) No.7445/2022

For Petitioner : Mr.S.Ramsundarvijayaraj, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Intervenor : Mr.S.Alagarsamy, Advocate

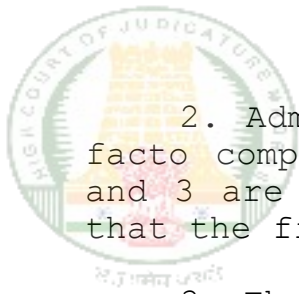
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

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 petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 495 and 506(2) IPC and Section 4 of Dowry Prohibition Act, in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

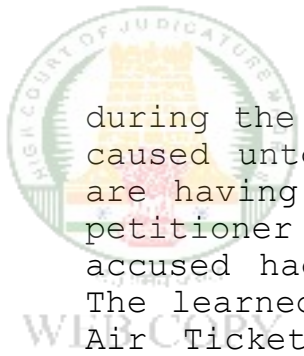


2. Admittedly, the marriage between the petitioner and de-facto complainant was solemnized on 10.09.2021, that the accused 2 and 3 are the parents, that the fourth accused is the brother and that the fifth accused is the sister of the petitioner.

3. The case of the prosecution is that since the petitioner was working as a Deputy Jailor, the petitioner and other accused had demanded 100 sovereigns of gold jewels and srithana articles worth about Rs.10,00,000/- (Rupees Ten Lakhs only) as dowry, that the parents of the de-facto complainant have given 40 sovereigns of jewels and five sovereigns of jewels to the petitioner and srithana articles worth about Rs.7,00,000/- (Rupees Seven Lakhs only), that the petitioner and other accused 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 petitioner is having illicit affairs with one Saranya, who was then working as Assistant Jailor, Mannarkudi Sub Jail, that the other accused by suppressing the relationship between the petitioner and the said Saranya, had arranged marriage and after receiving the dowry as mentioned above, had conducted the marriage of the petitioner with the de-facto complainant, that when the illicit affairs of the petitioner was questioned, the petitioner and other accused 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 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 case of the petitioner is that he is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the above case.

5. The learned counsel for the intervenor/de-facto complainant would submit that even after the marriage, the petitioner was indulged in illegal activities with Assistant Jailor, Saranya, that the 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 petitioner and the de-facto complainant were living as husband and wife for few days and at that time, she was forced to handover the gold jewels, that the de-facto complainant only after coming to know about the illegal relationship and the petitioner and other accused misbehaviour, she came to understand that there is endanger to her life and property, if she continues to live with the petitioner and other accused, that the de-facto complainant also lodged a complaint to the Jail Authorities and they have been taking



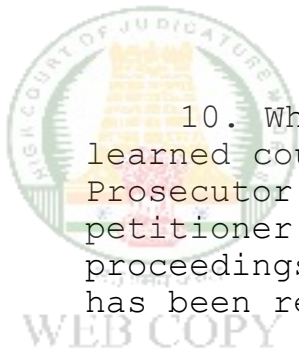
during the short span of time, the petitioner and the other accused caused untold hardships to her. He would further submit that they are having video coverage relating to the relationship between the petitioner and the said Saranya, that the petitioner and other accused had totally spoiled the life of the de-facto complainant. The learned counsel for the intervenor has also produced the Indigo Air Ticket booking confirmation status report to show that the petitioner and the said Saranya went to Hyderabad and Goa jointly.

6. The petitioner along with other accused 2 to 5 has filed an application for anticipatory bail earlier in Crl.O.P.(MD)No.4409 of 2022 and this Court has granted anticipatory bail to the accused 2 to 5, but dismissed the application so far as the present petitioner is concerned.

7. The learned counsel for the intervenor would further submit that even after the dismissal of first anticipatory bail application, the petitioner along with Assistant Jailor Saranya went to Alappuzha in Kerala State and stayed at the Beach Resort, namely, Alleppey Holiday Beach Resort, Alappuzha showing fake identity card and documents in the Lucky Travels as well as at the Beach Resort Tickets from Madurai to Alappuzha Journey on 21.05.2022, that the petitioner had totally ruined the de-facto complainant's life with physical and mental cruelty and that therefore the de-facto complainant is constrained to file the above application to intervene and to raise objections for granting anticipatory bail to the petitioner.

8. When the matter was taken up for hearing on 13.07.2022, in pursuance of the direction issued earlier, the learned Additional Public Prosecutor submitted that the Inspector of Police has examined the Manager of the lodge at Alappuzha and he had stated that the petitioner had stayed in the lodge along with the girl for one day and on considering the further representation that the petitioner was on medical leave continuously, this Court directed the prosecution to get a report from the Jail authority regarding the leave availed by the petitioner and what action was taken against him on the registration of the present FIR and the dismissal of the earlier application.

9. When the matter was taken up for hearing on 19.07.2022, in pursuance of the direction of this Court, the Superintendent of Prison, Central Prison, Madurai, has sent a letter to the respondent police stating that the petitioner was in medical leave and since the petitioner has sent an extension of leave application, the same was forwarded to the District Head Quarters, Government Hospital, Virudhunagar District and that in view of the registration of the case, a memo has already been issued and after getting explanation, departmental proceedings were initiated under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same



10. When the matter was taken up for hearing on 11.08.2022, the learned counsel for the intervenor and the learned Additional Public Prosecutor for the respondent police would submit that the petitioner has failed to appear for the hearing in departmental proceedings, which was scheduled yesterday (10.08.2022) and that he has been remaining absconding.

11. Considering the above facts and circumstances and also the seriousness and gravity of the offence alleged and also taking note of the alleged illicit affairs between the petitioner and the said Assistant Jailor even after the dismissal of first application for anticipatory bail and also the fact that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.

12. In the result, this Criminal Original Petition is dismissed.

sd/-
12/08/2022

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/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AUNDIPATTI, THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-8485[I] dated 12/08/2022)

ORDER
IN
CRL OP(MD) No.11071 of 2022
Date :12/08/2022

csm
USK/PN/SAR-IV/16.08.2022/4P/4C

<https://www.mhc.tn.gov.in/judis>