



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 16/08/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.13013, 13075 and 13090 of 2020

1 K.RAJAGOPAL
2 ASTESWARI
3 K.R. SENTHILKUMAR
4 PAVITHRA MEENALOSANI
5 CHANDRA

... PETITIONERS / ACCUSED Nos.2,4,5,6 and 8
IN CRL OP(MD) No.13013 of 2020

R.VIJAY BASKAR MITHUN

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD) No.13075 and 13090 of 2020

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI CITY.
CRIME NO.60 OF 2020.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.13075 of 2020

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI CITY.
CRIME NO.34 OF 2020.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.13013 of 2020

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SOUTH GATE, MADURAI DISTRICT.
CRIME NO.34 OF 2020.

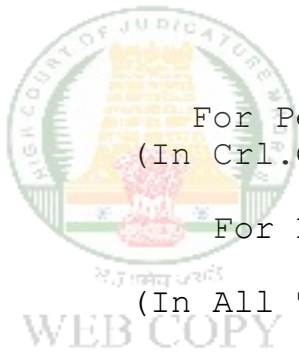
... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.13090 of 2020

LAKSHMI NARAYANI

... INTERVENER/NIL/DE-FACTO COMPLAINANT
IN CRL MP(MD).7184/2020 IN
CRL OP(MD).13013/2020

... INTERVENER/NIL/DE-FACTO COMPLAINANT
IN CRL MP(MD).7168/2020 IN
CRL OP(MD).13090/2020

For Petitioners : Mr.M.Sarangan, Advocate
(In Crl.OP(MD).13013/2020)



For Petitioner : Mr.P.Muthukumar, Advocate
(In Crl.OP(MD).13075 & 13090/2020)

For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Criminal side)
(In All The Petitions)

For Intervenor : Mr.S.Ram Sundar Vijayaraj, Advocate
(In Crl.OP(MD).13013 & 13090/2020)

PETITIONS FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.C

PRAYER IN CRL OP(MD) . 13013 of 2020 :

For Anticipatory bail in Crime No.34 of 2020 on the file of the respondent police.

PRAYER IN CRL OP(MD) NO.13075 of 2020 :-

For Anticipatory Bail in Crime No.60 of 2020 on the file of the Respondent Police.

PRAYER IN CRL OP(MD) . 13090 of 2020 :

For Anticipatory Bail in Crime No.34 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order:-

The petitioner in Crl.OP(MD)No.13075 of 2020, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498-A, 506(i) IPC and section 4 of the Dowry Prohibition Act, in Crime No.60 of 2020 on the file of the respondent police, seek anticipatory bail, whereas the petitioners Crl.OP(MD)Nos.13090 and 13013 of 2020, who are arrayed as A1, A2, A4, A5, A6 and A8 apprehending arrest at the hands of the respondent police for the offences under sections 498-A, 294(b), 406 and 506(i) IPC, in Crime No.34 of 2020 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution in common is that the de-facto complainant is the wife and A1 is a medical practitioner. The marriage between them took place, on 02/06/2016. At the time of marriage, she was provided with sufficient sreedhana, jewels, etc. At that time, her father provided Rs.20,00,000/- to A1 for pursuing his MD Degree. During joint living, she came to know that A1 is having unusual contact with his he brother's wife. Even that was intimated to his parents, they did not take any care. When that was objected and warned, she was abused in filthy language. He is also going to marry another women, who is the mediator. The paternal Uncle of A1 namely Arumugam, who is A3 demanded jewels in April 2019. He met with an accident and he was in bed for about two



months. Even at the time of assault, the in-laws abused and insulted and 20 sovereigns of gold jewels also available in the hands of the accused persons. Later, they started demanding an hospital to be constructed. On the basis of the above said occurrence, the cases were registered.

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3. Seeking anticipatory bail, these petitions were filed in 2020 and thereafter, it was dragged on two years without solution. Finding that it is a dispute between the husband and wife. A1 is in medical profession and the other persons are in-laws. At one point of time, this court had direct interaction with the de-facto complainant and A1 to settle the issue. But suddenly something has happened that was not carried forward. Finding that A1 is the main accused for the trouble between them, the matter was referred to Mediation and Conciliation Centre. Even in the Mediation centre, it could not be settled.

4. As mentioned earlier, it was taken back to the Court. As mentioned earlier, I made personal interaction with the parties. The de-facto complainant was very much willing to live with the husband. As mentioned earlier, she was also ready to live with A1, but she wanted to live with the parents. But the husband says that he has to take care of his old parents. But the de-facto complainant entertained doubt with regard to some unusual contact between A1 and his brother's wife. Pointing out the issue between the parties is with regard to Rs.20,00,000/-, which were obtained by A1. A1 is also ready to settle the loan in instalments. Even now he is ready to return the money in instalments.

5. But later, it was informed to the court that A1 married one Anusuya and he is also living with her now. The respondent was directed to attend the enquiry. The above said allegation is that the respondent also found statement along with the copy of the photographs stating that A1 is in illegal intimacy with one Anusuya and living with her for some-time and introduced her as if wife in the locality, later vacated the place. Now whereabouts is not known. The said allegation is denied by A1. But discrete report says that A1 is not in good conduct. When this is the position, the possibility of settlement is also very much remote one.

6. In the light of the above said development that A1 has come forward to return the amount, which was borrowed by him from the de-facto complainant's father, I find that no purpose is going to be served subjecting A1 to custodial interrogation. So, I am of the considered view that anticipatory bail can be granted to A1 with a condition that A1 shall pay the amount of Rs.20,00,000/- that was borrowed by him from the de-facto complainant's father and he must pay the said amount at Rs.20,000/- on or before 15th of every month. Similarly, he is also liable to pay Rs.10,000/- per month towards maintenance to the child. Since the de-facto complainant is working and earning, there is necessity for ordering maintenance to her.



7.Considering the above facts and circumstances of the case, **anticipatory bail is granted** to the petitioner in Crl.OP(MD) Nos.13075 and 13090 of 2020/A1 with certain conditions. Accordingly, the petitioner/A1 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Madurai and on 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 Magistrate concerned and the petitioner/A1 shall appear before the respondent police daily at 10.30 am until further orders. The petitioner/A1 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.In so far the other petitioners in Crl.OP(MD)No.13013 of 2020/A2, A4, A5, A6 and A8 are concerned, they are not concerned with the issue between the husband and wife and as usual family members of A1 have been implicated in the matrimonial issue. In the light of the above said limited role alleged to have been played by the petitioners in Crl.OP(MD)No.13013 of 2020, they are entitled for anticipatory bail with certain conditions. So, **anticipatory bail is granted** to the petitioners 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 Judicial Magistrate No.1, Madurai 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 Magistrate 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.

9.In the result, all the petitions are **allowed** with certain conditions.

sd/-

16/08/2022

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/09/2022

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.



(1)Crl.OP(MD)No



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TO

- 1 THE JUDICIAL MAGISTRATE No.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THILAGAR THIDAL,
MADURAI CITY
- 5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SOUTH GATE,
MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3. CC to M/S.S.RAMSUNDARVIJAYRAJ, Advocate SR.No.8581,8582 & 8583

ORDER

IN

CRL OP (MD) No.13013, 13075
and 13090 of 2020
Date :16/08/2022

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SA/VR/SAR.2/02.09.2022/5P/10C