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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2022
PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)Nos.14911 and 14912 of 2022

THANGAPANDI

... PETITIONER/ACCUSED NO.1
IN CRL OP(MD) No.14911/2022

1. ACHUTHAN
2. VIJAYALAKSHMI
3. THIRUMALAIRAJAN
4. VENNILA

... PETITIONERS/ACCUSED NO.2 TO 5
IN CRL OP(MD) No.14912/2022

Vs

1. THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
AWPS-VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
CRIME NO.13 OF 2022.

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

(*) 2.ARUNA

... 2nd RESPONDENT
IN BOTH PETITIONS

(*) R2 IS SUO MOTU IMPEADED AS PER
ORDER OF THE COURT DATED 22/08/2022
IN CRL OP(MD) Nos.14911 & 14912 OF
2022 BY KMSJ.

In Both Petitions:

For Petitioners	: Mr.R.Chandrasekar, Advocate
For R1	: Mr.A.Albert James
	Government Advocate (Crl.side)

COMMON PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.13 of 2022 on the file of the respondent Police.

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498A, 406, 323 and 506(ii) of IPC in Crime No.13 of 2022 on the file of the respondent Police, seek anticipatory bail.



2.The case of the prosecution, as per the de-facto complaint, Aruna, is that the marriage between her and the first accused was solemnized on 14.02.2020 and at that time, dowry of 5 sovereigns of gold jewels and a cash of Rs.20,000/- and seethana articles were given. It was represented by A1 that he was earning 20,000/- per month as he is working in a construction company. While so, on 17.02.2022, after the marriage, when the de-facto complainant and the first accused were having physical relationship, he suffered fits and later it was found that he was an impotent person. When the de-facto complainant had informed it to the other accused, they have subjected her to cruelty and the fourth accused, who is the brother of the first accused, had informed her that she should adjust with him. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a case of matrimonial dispute has been exaggerated and a false complaint has been given. He would also submit that the petitioner in Crl.O.P.(MD)No.14911 of 2022 is the husband and the petitioners in Crl.O.P.(MD)No.14912 of 2022 are the in-laws of the de-facto complainant. He would submit that even as per the de-facto complainant, the first accused and de-facto complainant were living at Bangalore and that unnecessarily, the in-laws have been roped in this case. He would also submit that the fourth and fifth accused, who are brother and sister-in-law of A1, are working as Teachers and they have been falsely roped in this case.

4.The learned Government Advocate (crl.side) would submit that the petitioner in Crl.O.P.(MD)No.14911 of 2022 is the husband and the petitioners in Crl.O.P.(MD)No.14912 of 2022 are the in-laws of the de-facto complainant. He would also submit that suppressing the fact that the husband is an impotent person, they have conducted the marriage with the de-facto complainant and the other accused have harassed her and the fourth accused, who is the elder brother of the first accused, had told the de-facto complainant that she should adjust with him.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for



anticipatory bail shall stand dismissed and on further that:

[a] the petitioners 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 petitioner in Crl.O.P.(MD)No.14911 of 2022 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. the petitioners in Crl.O.P.(MD)No.14912 of 2022 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/12/2022

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/01/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,
AWPS-VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.R.CHANDRASEKAR, Advocate, SR.No.15424 (I)
Date:23/12/2022.

ORDER IN

CRL.O.P(MD)Nos.14911 and
14912 of 2022
Date :22/12/2022