



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

Date : 24/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) .No.15099 of 2022

1. Rajalingam

2. Vallimayil

... Petitioners/Accused No.1 & 6

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
Crime No.7 of 2022.

... Respondent/Complainant

For Petitioners : Mr.S.Baskar Mathuram,
Advocate
M/s.Mathuram Law Associates,

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

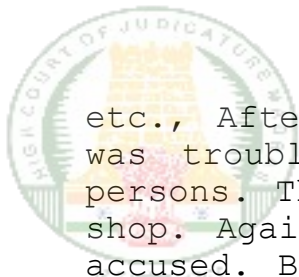
PRAYER :-

For Anticipatory Bail in Crime No.7 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 6, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 494 of I.P.C, r/w Section 4 of Dowry Prohibition Act, in Crime No.7 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the first petitioner. The marriage took place on 15.11.2015. After that, they have one child. At the time of marriage, she was provided with sufficient Sridhanas, gold jewels



etc., After marriage, they started to live in joint family. There was trouble between them because of the conduct of the accused persons. The first accused started to demand money for establishing shop. Again, they demanded money for securing a job for the first accused. By pledging the jewels and making some other arrangements totally a sum of Rs.2.50 lakhs was paid. Later, he also received Rs.3.50 lakhs from her father. But, no job was arranged. When that was questioned, the first accused started to pick up quarrel and abused her in filthy language and driven out of the house on 29.04.2022. Over which, she lodged a complaint before the respondent police and CSR.No.76 of 2021 was registered. During the course of enquiry, undertaking was given by the first accused that he will take care of her properly. Again, trouble was created by the accused persons. Again, she was driven out of the house and child was taken by the accused persons. Over which, complaint was given. But, no action was taken. It was also brought to the notice of her that second marriage was also performed between the petitioners herein. When that was questioned, she was abused in filthy language. Because of the above said second marriage, male child was also born to them. Hence, present case came to be registered against the accused persons.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Reading of the FIR shows that serious allegations of harassment and demand of money have been made against the first accused. Further, the first petitioner married the second petitioner. The second petitioner had known about the first marriage of the first petitioner is a matter for investigation. Since, serious allegation has been made against the first petitioner, he is not entitled for discretionary relief of anticipatory bail. Hence, this petition is dismissed insofar as the first petitioner is concerned. Insofar as the second petitioner is concerned, as stated earlier, whether the first marriage was known to her is a matter for investigation. Considering the limited role that alleged have been played by the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

5. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate Court, Vilathikulam, on condition that the second petitioner shall execute 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 second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



6.The second petitioner shall appear before the concerned Magistrate 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.

WEB COPY

sd/-
24/08/2022

/ TRUE COPY /

/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MATHURAM LAW ASSOCIATES, Advocate (SR-9022[I] dated 25/08/2022)

ORDER
IN
CRL OP(MD) No.15099 of 2022
Date :24/08/2022

dss
USK/VR/SAR-IV/06.09.2022/3P/6C