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CRL OP(MD). N



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

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16053 of 2022

1.Azhagarsamy

2. Vellaiyammal

3. Krishnan

... Petitioners/Accused 1 to 3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Thirupathur
Sivagangai District.
Crime No.11/2022.

... Respondent/Complainant

Kaladevi

... Petitioner/Intervenor
(Defacto Complainant)
in Crl MP(MD) No.10815 of 2022

For Petitioners : M/s.Vishnuvardhan S,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.M.Vishnuvarthanan

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 3, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 498(A) and 406 of IPC r/w Sections 4 and 6 of Dowry
Prohibition Act, in Crime No.11 of 2022, on the file of the
respondent police, seek anticipatory bail.

<https://www.madras.gov.in/>



2. The case of the prosecution is that the defacto complainant and first petitioner are husband and wife and after marriage, the petitioners harassed the de-facto complainant by demanding additional dowry and they driven her out of the matrimonial home. Thereafter, the first petitioner has married the another women. Hence, the complainant.

3. The learned counsel for the petitioners would submit that the defacto complainant was not interested to live with the first petitioner herein right from the date of marriage. With a view to harass the petitioners, a false case has been foisted against them. He would further submit that a divorce case in HMOP No.76 of 2022 is pending before the Sub Court, Melur. The petitioners are innocents and they had not committed any such offence, as alleged by the prosecution. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate(crl.side) appearing for the respondent police would submit that the first petitioner is the husband of defacto complainant and the second and third petitioners are the in-laws of the defacto complainant. Due to continuos harassment, the defacto complainant was driven out from matrimonial home. She would further submit that the first accused now married the other woman illegally. There is a specific overt act attributed against each of the petitioners and hence, their custodial interrogation is very much necessary in this case. Further more, investigation is also not yet completed and hence, prayed to dismiss the petition.

5.The learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioners.

6.Considering the gravity of the offence, the overt act attributed against the petitioners and the nature of serious allegations levelled against the petitioners and also taking note of the vehement objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
26/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPATHUR
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-11904[I] dated
26/10/2022)

ORDER
IN
CRL OP(MD) No.16053 of 2022
Date :26/10/2022

SS/SSS/SAR II/07/11/2022/ 3P 4C