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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.18104, 18293, 18294 and 20974 of 2021

Lakshminarayani
W/o.Vijayabaskar Mithun

... Petitioner/4th Accused
(in Crl.O.P.(MD) No.18104 of 2021)

1.Sakthivel
S/o.Narayanan
2.Gnanasakthi
W/o.Sakthivel

... Petitioners/3rd & 4th Accused
(in Crl.O.P.(MD) No.18293 of 2021)

Ajaysudharsan
S/o.Sakthivel

... Petitioner/1st Accused
(in Crl.O.P.(MD) No.18294 of 2021)

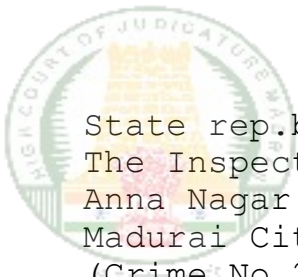
1.S.Ajaysudharsan
S/o.Sakthivel,
2.N.Sakthivel
S/o.Narayanan
3.S.Gnanasakthi
W/o.Sakthivel
4.V.Lakshmi Narayani
W/o.Vijayabaskar Mithun

... Petitioners/Accused No.1 to 4
(in Crl.O.P.(MD) No.20974 of 2021)

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.19 of 2021)

... Respondent/Complainant
(in Crl.O.P(MD) Nos.18104, 18293 &
18294 of 2021



State rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.2248 of 2021)

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... Respondent/Complainant
(in CrI.O.P.(MD)No.20974/2021)

Chima

... Petitioner/Defacto Complainant
(in CrI.M.P.(MD)No.10183,10341,10344
of 2021 and 493 of 2022)

For Petitioners : Mr.S.Ramasundar Vijayraj, Advocate.
(in all CrI.O.Ps.,)

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (CrI.side)
(in all CrI.O.Ps.,)

For Inervenor : Mr.T.Veera Kumar, Advocate

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

COMMON PRAYER :-

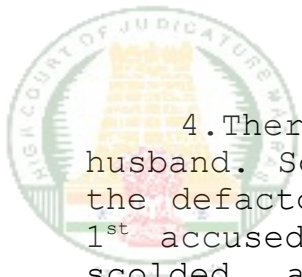
For Anticipatory Bail in Crime Nos.19 and 2248/2021 on the file
of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
406 and 506(i) IPC in Crime No.19 of 2021 and for the offences
punishable under Sections 147, 341, 294(b), 109, 506(i) and Section
4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in
Crime No.2248 of 2021 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution in brief is as follows:-

3.The marriage between the defacto complainant and the 1st
accused took place on 22.01.2018 with the consent of both side
parents. At that time, the defacto complainant was provided with
sufficient Seethana, house hold articles etc., Right from the
marriage, there was harassment and ill-treatment demanding more
dowry and jewellery. At that time, she was working in a company. The
mother-in-law asked her to take care of the child of her sister-in-
law. So, because of the extension of leave, she was removed from the
service.



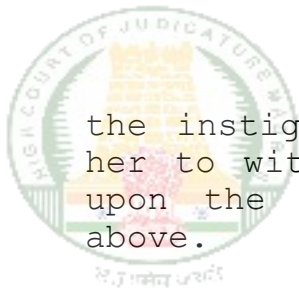
4. There was a family dispute between her sister-in-law and her husband. So, they were living separately, but their child was with the defacto complainant and her family. The in laws instigating the 1st accused to make trouble. So, the defacto complainant was also scolded, abused by her sister-in-law and the in laws. She also underwent medical examination and it found that she was healthy. But the 1st accused did not take any medical treatment.

5. During January, 2019, they demanded more Seethana and jewellery. She was also prevented from talking to her parents. She was also driven out of the house along with her parents. In September, 2019, the 1st accused told her that he has started a factory in Virudhunagar and they can live there, otherwise he will arrange another marriage. So, she went to Virudhunagar and started living with the 1st accused, but the 1st accused was not interested in the conjugal relationship. They also taken her jewellery and articles. So, because of the ill-treatment, she returned to the parental home and for the past 14 months, she was living in the parental home and no steps have been taken by the accused persons to retake her.

6. A compromise talk was undertaken. Even at that time, they demanded more seethana and jewellery. At that time, she was also tried to assault by the 1st accused. The 1st accused at one point of time started making conditions for joint living. On 23.06.2021, when her parent was invited for the talk again, they demanded money and also criminally intimidated her father by retaining her jewellery and articles. The accused have committed the offences punishable under Sections 498(A), 406 and 506(i) IPC. Seeking anticipatory bail, the accused persons have filed these petitions.

7. During the pendency of CrI.O.P.(MD) Nos.18104, 18293 and 18394 of 2021, CrI.O.P.(MD) No.20974 of 2021 has been filed by the accused 1 to 4 in respect of Crime No.2248 of 2021, which was registered for the offences punishable under Sections 147, 341, 294 (b), 109 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. So, all these petitions were heard together and all the matters were referred to mediation also. For one or other reason, it could not be settled. The reason for such failure is not stated.

8. However, the learned counsel for the intervenor, who is the defacto complainant, submits that the petitioners are retaining her jewellery etc and refused to return the same and that is the reason for the failure. Now, whatever it may be, it is seen that in spite of the effort that has been taken by this Court, the matter could not be settled. Insofar as Crime No.2248 of 2021 is concerned, the allegation is that during the pendency of the investigation in Crime No.19 of 2021, before a day of hearing in this Court, an order has been passed that the defacto complainant must be return the jewellery and articles. On 21.12.2021, after finishing her work, when she was nearing the place of occurrence, two unknown persons at



the instigation of her husband and in laws criminally induced her to withdraw the case. She was also abused and insulted. Based upon the aforesaid complaint, the case was registered as noted above.

9.As mentioned above, the effort that was taken by this Court to settle the issue was not succeeded for one or other reason. The learned counsel for the petitioners submits that even now the 1st accused/husband is ready to live with the defacto complainant, for that purpose only, he filed a petition for restitution of conjugal rights before the Sub Court, Melur. The defacto complainant did not change her attitude, who was very adamant in nature.

10.He would further submit that the 4th accused was working as Assistant Manager in the Central Bank of India, Vadipatti Branch. On the date of the occurrence, she was working in the branch from the morning to the evening. To avoid the mediation process only, a false complaint has been given, which was also registered in Crime No.2248 of 2021.

11.It is further submitted that because of the matrimonial issue between the 4th accused and her husband, the problem between the 1st accused and the defacto complainant has arisen. Since the 4th accused is living separately from her husband, the defacto complainant was harassed, ill-treated by the accused persons. So, the truth will come out only during course of investigation and trial as to who is causing the problem. So, the conjoint reading of the First Information Reports in Crime Nos.19 and 2284 of 2021 shows that because of the matrimonial issue between the 4th accused and her husband, the trouble has arisen in their family also. The entire CD file has been called for and also perused. Enquiry was undertaken by the Social Welfare Department and it has concluded that there was no issue between the defacto complainant and the accused persons regarding dowry and during the course of enquiry, the defacto complainant has herself admitted to the effect that the jewellery are kept in the Bureau, which belongs to her. The Bureau is available in the house of the 1st accused.

12.It is also revealed that the jewellery are returned to the defacto complainant only through the Court. So, this report is heavily relied upon by the learned counsel for the petitioners to show that there was no demand of dowry. It is also seen that because of both are not having child, there was difference of opinion. The defacto complainant says that she was subjected to medical examination, but no deficiency were noticed, whereas the 1st accused refused to subject himself to medical examination. It appears that this is also one of the problems for the matrimonial issue. Now, the investigation is also over and the final report is going to be filed after completing the official formalities as it evident from the CD file.

13.Further, it shows that the complaint given by the defacto complainant was originally enquired by the All Women Police Station,



Melur in CSR.No.184 of 2021 and in that enquiry, all the parties appeared. The 1st accused has stated that because of the difference of opinion between him and the defacto complainant, they are willing to separate and the articles and jewellery are agreed to be returned to the defacto complainant. But later on 14.07.2021, the defacto complainant withdrew the complaint stating that there is demand by the accused that she must alone come to the matrimonial home. So, after withdrawing the complaint only, it appears that the present complaint has been given. So, there are contradictory statement with regard to the availability or non-availability of the jewellery and articles. So, only the trial will bring to light the true affairs.

14. In the facts and circumstances of the case, I am of the considered view that no purpose is going to be served by subjecting the petitioners to custodial interrogation, even though the learned counsel for the defacto complainant submits that only the custodial interrogation of the accused persons will bring the truth to the light. But in the facts and circumstances of the case, I am of the considered view that since most of the investigation is over, the custodial interrogation of the petitioners is not required. So, all the petitions are liable to be allowed and accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

15. In the result,

(i) CrI.O.P(MD)Nos.18104, 18293 and 18294 of 2022 are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners 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 petitions for anticipatory bail stands dismissed.

(ii) CrI.O.P(MD)No.20974 of 2021 is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Additional Mahila Court, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners 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.



16. The petitioners shall also cooperate with the respondent police to complete the process of investigation. At that time, they must also be interrogated with regard to the aforesaid jewellery and articles etc. Since the matter is of the year 2021 and there is a long long dispute between the parties, the respondent police is directed to complete the process of investigation and file a final report before the concerned Court within a period of 3 months from today before the concerned Court.

Sd/-
12/07/2022

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

MM

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 JUDICIAL MAGISTRATE NO.II,
VIRUCHUNAGAR, VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE ADDITIONAL MAHILA COURT,
MADURAI.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUCHUNAGAR, VIRUCHUNAGAR DISTRICT.
5. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.



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

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+3. CCs to M/S.S.RAMASUNDAR VIJAYRAJ, Advocate SR.No.6977,6979,
6978

+1. CC to M/S.VEERA ASSOCIATES,S.RAMASUNDAR VIJAYRAJ, Advocate
SR.No.6976

ORDER
IN
CRL OP (MD) .Nos.18104, 18293,
18294 and 20974 of 2021
Date :12/07/2022

SP/JM/SAR III/22/07/2022/7P/11C