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

Date : 01/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19564 of 2021

M.Ganesan

... Petitioner/Accused
Rank No.1

Vs

1. State rep.by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.183/2021).

... Respondent/Complainant

(*) 2. Kalaiselvi

... 2nd Respondent/Defacto
Complainant

(*) (R2 Suo-Motu impleaded as per
order of this Court dated 10.12.2021
in Crl.O.P. (MD) No.19564/2021 by GIJ)

For Petitioner : Mr.Rajaboopathy.D, Advocate.

For Respondent 1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Respondent 2 : Mr.V.Selvakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.183 of 2021 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 294(b), 498(A)
and 506(2) IPC in Crime No.183 of 2022 on the file of the respondent
police.



2.The case of the prosecution, as per the defacto complainant's version, is that at the time of marriage, she was provided with sufficient Seervarisai, 10 sovereigns of gold jewel and the household articles worth about Rs.1,00,000/-. At the time of the tonsure ceremony of the child, he was also provided with jewellery. Two children born out of their wedlock.

3.At the instigation of the accused 2 to 5, the 1st accused started harassing the defacto complainant mentally and physically and used to ill-treat her in a drunken state. Later, they started demanding Rs.5,00,000/- as dowry and 10 sovereigns of gold jewel was also forcibly obtained from the defacto complainant and the same was handed over to the 4th accused. When that was demanded back, the accused persons created trouble, over which the present complaint has been given and during the course of enquiry, they promised to return the jewel within the short time. After that, there was no compliance.

4.HMOP.No.645 of 2019 was filed by the 1st accused seeking restitution of conjugal rights. During the course of conciliation process, the 1st accused promised to return 50 sovereigns of gold jewel, but later failed. MC.No.24 of 2019 was also filed and it is stated to be pending. Now, the accused persons are making arrangements to perform the second marriage to the 1st accused. With the aforesaid allegation, the present case has been registered.

5.Seeking anticipatory bail, now this petition has been filed and during the pendency of this matter, the defacto complainant was impleaded as 2nd respondent in this matter and she was also represented by a counsel.

6.Finding that it is a dispute between the parties with regard to the return of the jewel, the matter was referred to mediation and in the mediation process, there was no settlement for one or other reason and as usual they were making allegations and counter allegations against each other with regard to the return of the aforesaid gold jewel.

7.Now, HMOP.No.645 of 2019 is stated to be pending before the concerned Court and the 2nd respondent has also filed a petition to set aside the *ex parte* order. So, the defacto complainant can workout her remedy in the aforesaid pending matter with regard to the return of the gold jewel. Since the matter is pending from 2021 onwards and only bald allegation has been made with regard to the aforesaid demand, dowry and other things, this Court is inclined to grant anticipatory bail to the petitioner.

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

9.The 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 shall stand dismissed.

Sd/-
01/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.II)
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,
RAJAPALAYAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19564 of 2021
Date :01/09/2022