



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 16/02/2022

PRONOUNCED ON: 21/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.19937 of 2021

M.Senthilkumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Karur,
Karur District.
(Crime No.30/2021).

... Respondent/Complainant

For Petitioner : M/s.Rajaguru.G, Advocate.

For Respondent : M/s.M. Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : M/s.T.Antony Arulraj, Advocate

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

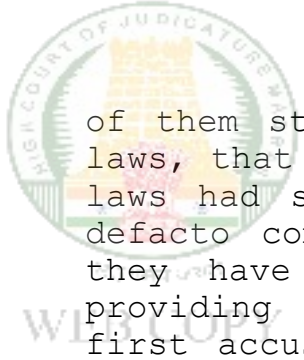
PRAYER :-

For Anticipatory Bail in Crime No.30/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A, 406 and 506(i) I.P.C., in Cr.No.30 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused are belonging to different communities and got married with the consent of their parents on 24.08.2020, that both



of them started living together in the joint family with her in-laws, that since the marriage, the first accused husband and her in-laws had started abusing the petitioner under the guise that the defacto complainant's household works were not satisfactory, that they have been torturing the defacto complainant even without providing adequate food, that when the same was reported to the first accused, he has not cared to hear her words, that when the defacto complainant had informed about her pregnancy, the petitioner/first accused had compelled her to abort her pregnancy by suspecting her fidelity and that thereafter, the petitioner/first accused, on 10.10.2021 had abused the defacto complainant with filthy language and attacked her brutally and sent her out of the matrimonial house. Hence, the present complaint.

3. The petitioner's case is that both of them were living in his house along with other family members, that in the month of September 2021, the petitioner and the defacto complainant went to the defacto complainant's parents house and at that time, the petitioner had seen the summons issued by the Family Court, Karur and he was shocked to know that a petition has been filed by the defacto complainant seeking divorce from her former husband Tamilvendan in H.M.O.P.No.40 of 2021 and the Family Court has directed both parties to appear before the said Court, that the defacto complainant, by completely suppressing her earlier marriage, had married the petitioner, that when the same was questioned, she was not in a position to reply and that in order to escape from the said issue, she has lodged the above false complaint.

4. Admittedly, the second accused is the father, the third accused is the mother, the fourth accused is the sister of the first accused and the fifth accused is the husband of the fourth accused. It is also not in dispute that the marriage between the petitioner and the defacto complainant was solemnised on 24.08.2020 at Sivanmalai, Karur District and after the marriage, both of them lived in the petitioner's house along with other family members.

5. No doubt, the petitioner has produced the notice sent by the Family Court, Karur informing the defacto complainant and one Tamilvendan to appear before that Court on 23.08.2021 in connection with the case in H.M.O.P.No.40 of 2020. It is not in dispute that subsequently the petitioner has filed a petition against the defacto complainant for divorce before the Family Court, Erode and the same is pending.

6. Regarding the petitioner's complaint that the defacto complainant had suppressed her first marriage, in her intervening petition, the defacto complainant has stated that the factum of first marriage was very much in knowledge of the petitioner and he himself helped the defacto complainant for getting divorce and that the petitioner along with the defacto complainant had a family trip with the Advocate, who was engaged for filing divorce case for the defacto complainant, along with his wife.



7. As rightly pointed out by the learned Government Advocate (Crl.Side) appearing for the State, the above aspects cannot be gone into at this stage by the bail Court. It is not in dispute that when the defacto complainant was sent out of the matrimonial house of the petitioner, the defacto complainant was pregnant and that now she is in 8th month of pregnancy.

8. The learned Counsel for the intervenor would submit that the defacto complainant is now in 8th month of pregnancy and is ready and willing to live with the petitioner and that though the defacto complainant is in advanced stage of pregnancy, the petitioner has not chosen to take any care nor come forward to spend for the medical expenses of the defacto complainant. He would further submit that the petitioner along with her family members had abused the defacto complainant in filthy language very often, attacked her and harassed her continuously.

9. Considering the above facts and circumstances and also the seriousness and gravity of charges levelled against the petitioner and that the investigation is pending as stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

10. In the result, the Criminal Original Petition is dismissed.

Sd/-
21/02/2022

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

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.19937 of 2021
Date :21/02/2022