



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.21410 of 2022

1.Venkatraj

2.Banu Venkatraj

...Petitioners / Accused 2 & 3

-vs-

The State represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai District.
(Cr.No.53 of 2022)

...Respondent / Complainant

For Petitioners : Mr.S.Saravanakumar, Advocate for
M/s.Srijeyavallinagals and Associates
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)
For Intervenor : Mr.R.Murugappan, Advocate.

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.53 of 2022 on the file of the respondent Police.

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498A and 406 IPC and Section 4 of TNPHW Act, in Crime No.53 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Sudharsana, is that she has studied P.G.Diploma (Business Psychology) in United Kingdom and that through matrimony, the marriage was fixed with the first accused, who was working at Ireland, and the marriage was solemnized on 10.12.2021 at Madurai. While the marriage talks were going on, the first accused and his family members have informed that the marriage should be conducted in a grand manner and several gold and silver articles were given as dowry. The further allegation is that after marriage, her mother in-law had taken all the jewels and kept it in the bank locker and that after marriage, the in-laws had compelled the de-facto complainant to take some medicine and also had spoken ill of the parents of the de-facto complainant and also stating that she was not having interest in sex and had asked to see group sex videos and have also harassed her and assaulted her.



3.The further allegation is that thereafter, they have demanded more dowry and assaulted her and within twenty days, her husband, the first accused, had gone to Ireland and thereafter, he had taken a spouse visa and taken the de-facto complainant to Ireland and since her parents were unable to pay further dowry, the in-laws have instigated the first accused and he had driven her out of the matrimonial house and she came back to India. Hence, the case.

4.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that the petitioners are father in-law and mother in-law and that the petitioners, with a fond hope of getting a good bride for their son, had arranged the marriage with the de-facto complainant and thereafter, the petitioners' son had also taken the de-facto complainant to Ireland on a spouse visa and when they were in Ireland, the first accused found that the de-facto complainant was suffering from psychiatric problem and thereby, on the request of the parents of the de-facto complainant, she was sent back to India. However, now a false and exaggerated complaint has been given. He would also submit that the second petitioner admits that the entire jewels of the de-facto complainant are kept in a bank locker in Indian Bank (Kalapatti Branch, Coimbatore) in **(*)Locker No.21**, Key No.4 and S.B.A/c.No.713723952 on 23.12.2021 and that the locker has not been opened so far and after depositing the jewels and the entire jewels are intact in the locker and the second petitioner has no objection for the locker being opened and an inventory being taken in the presence of the Bank Manager and the jewels being handed over to the de-facto complainant then and there after getting a proper receipt. The learned Counsel for the petitioners would further submit that the petitioners are also ready to return all the silver and other house hold articles after getting proper receipt from the de-facto complainant. He would also submit that the petitioners, being the parents of the first accused husband are unnecessarily harassed.

5.The learned Government Advocate (crl.side) would submit that the petitioners are parents of the first accused and the marriage between the de-facto complainant and the first accused was solemnized on 10.12.2021 and after marriage, the petitioners along with their son have demanded more dowry and harassed the de-facto complainant. He would further submit that the de-facto complainant was taken to Ireland and later, she was driven out from the matrimonial house. He would, on instructions, submit that as per the statement of the Bank Manager, the locker has not been opened after the jewels were kept inside on 23.12.2021. He opposes to grant anticipatory bail.

6.Mr.R.Murugappan, learned Counsel appearing for the de-facto complainant would submit that it is case, where, the victim, de-facto complainant was harassed within 20 days of marriage and



thereafter, the first accused had taken the de-facto complaint to Ireland on spouse visa, where, he once again harassed her and later on the instigation of the petitioners, she was driven out of the matrimonial home and he would object for grant of bail.

7. Heard the learned Counsel on either side. Taking into consideration the facts and circumstances of the case and on perusing the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required on issuance of summons.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] The second petitioner and the de-facto complainant shall appear before the Indian Bank (Kalapatti Branch, Coimbatore) on 05.01.2023 and the locker shall be opened in the presence of the Manager and the inventory of the contents of the locker shall be taken and the jewels shall be handed over to the de-facto complainant and she shall issue a proper receipt of the same and the house hold articles and other articles shall be handed over to the



de-facto complainant on 10.01.2022 and the de-facto co-accused shall issue proper receipt for the same to the petitioners.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/12/2022

(*)For Being Mentioned as per order of this Hon'ble Court dated 23/12/2022 in Crl.OP(MD) .21410/2022.

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUED WITH THE ORDER DATED 14/12/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THILAGAR THIDAL AWPS(SOUTH), MADURAI DISTRICT

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

+1 CC to M/s.SRIJEYAKALLINGALS AND ASSOCIATES, (SR-15443[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.21410 of 2022

Date :14/12/2022

cmr

MK/SSS/SAR 4/19.12.2022/4P/6C

AAV

SA/SSS/SAR. /23.12.2022/4P/6C