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

Date : 03/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.18757 of 2021

1. B.Richard Beski
2. Balasubramaniyan
3. Senthamarai
4. Maxwel

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukottai District
(Crime No.14 of 2021).

... Respondent/Complainant

Jency

... Petitioner/Intervenor

For Petitioner : M/s. Arul Jenifer.A., Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.T.Leninkumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 355, 498(A) and 506(1) IPC r/w Section 4 of Dowry Prohibition Act, 1961 in Crime No.14 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the de-facto complainant Jenci, is that she got married to one Anandharaj on 08.06.2011 and



the marriage was dissolved on 30.06.2020. Subsequently, the first petitioner, who was a widower had proposed for marriage and thereby, they got married on 26.08.2021 at Church. During such time, 15 sovereigns of gold jewels, Rs.2,00,000/- cash and Rs.2,00,000/- worth of furniture and household articles were given as dowry to the first petitioner. After marriage, they were living happily for one week only and thereafter, the first petitioner had demanded more dowry stating that she was not having a fair complexion. Hence, the case.

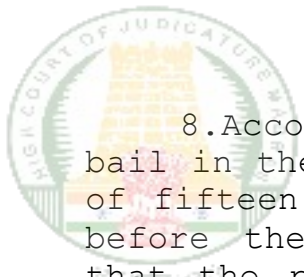
3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that the de-facto complainant was earlier married to one Anandharaj and by suppressing the earlier marriage, she had married the first petitioner and later, the first petitioner came to know that the de-facto complainant was already married and she had also not obtained any divorce from the first husband and when it was questioned by the first petitioner, the de-facto complainant has left the matrimonial home and after going to her parental home, she has given this false complaint, as if, the petitioners have demanded more dowry. He would further submit that the matter was earlier referred to mediation and the entire jewels and cash were returned to the de-facto complainant. He would further submit that as of now, some of the household articles are retained by the petitioners and the petitioners are ready to hand over the same to the de-facto complainant. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the first petitioner and the de-facto complainant got married on 26.08.2021, at that time, 15 sovereigns of gold jewels, Rs.2,00,000/- cash and Rs.2,00,000/- worth of furniture and household articles were given as dowry. The further allegation is that the petitioners had demanded more dowry and car and also abused the de-facto complainant stating that she was not having a good complexion. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that the petitioners knowing well that the de-facto complainant was a married woman, had agreed over the same and thereafter, taking advantage of the same, has demanded more dowry and driven the de-facto complainant out of the marital home.

6.Heard. Perused the materials available on record including the FIR.

7.Taking into consideration the facts and the submissions made by both the counsels, 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, Aranthangi, 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 learned Magistrate concerned 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 return the household articles to the de-facto complainant and obtain a receipt and produce the same before the concerned Court while furnishing sureties;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders;

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

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

[f] 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]**.

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

Sd/-
03/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARUL JENIFER.A. Advocate SR.No.164

+1. CC to M/S. T.LENIN KUMAR Advocate SR.No.127

ORDER
IN
CRL OP(MD) No.18757 of 2021
Date :03/01/2023

SP/BUC/SAR I/09/01/2023/4P/7C