



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2023

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

WEB COPY

CRL.O.P (MD) No.20232 of 2022

S.Stanley Stephen

...Petitioner/Accused

-vs-

1.The State represented by
The Inspector of Police,
Thanjavur All Women Police Station,
Thanjavur District.
(in Cr.No.9 of 2021)

...Respondent/Complainant

2.Anirose

...2nd Respondents/Defacto
Complainant

(R2 *suo motu* impleaded vide order
of this Court, dated 15.11.2022)

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioner on bail in the event of
his arrest by the respondent Police with respect to Cr.No.9 of 2021.

For Petitioner	: Mr.K.Samidurai
For R1	: MrA.Albert James
	Government Advocate (Crl.side)
For R2	: Mr.R.Mathiyalagan

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections 498(a),
406 and 506(i) of IPC in Crime No.9 of 2021 on the file of the
respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant,
Anirose, is that the marriage between her and the first accused,
Stanley Stephen, was solemnized on 24.05.2017. At that time, her
husband was working in Dubai and within 10 days of marriage, her
husband returned to Dubai and she was living with her in-laws.
Thereafter, she became pregnant and went to Chennai and during May
2018, she delivered a child. Thereafter, her in-laws and husband
did not contact her and the further allegation is that they were not
satisfied with the jewels given at the time of marriage and they
have harassed her and demanded further dowry and refused to take



care of her and her child. The further allegation is that he asked the accused to return back the jewels and cash, the accused caused mental harassment to her. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that a case of matrimonial dispute has been exaggerated. He would further submit that the petitioner is presently working in Dubai and the parents of the petitioner have today returned the 30 sovereigns of gold jewels belonging to the de-facto complainant and they have also returned Rs.75,000/- by way of cash to the de-facto complainant and he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that petitioner is the husband of the de-facto complainant and the petitioner and his parents have harassed the de-facto complainant by demanding more dowry and driven her out of the matrimonial home and they have also not returned the jewels and cash. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.The learned Counsel for the intervenor would submit that the de-facto complainant has filed a D.V.C.No.12 of 2021 and the learned District Munsif-cum-Judicial Magistrate, Madhavaram, had ordered payment of interim maintenance of Rs.10,000/- per month to the de-facto complainant and the petitioner, who is living in Dubai, has not sent the amount. Hence, he would strongly oppose for grant of anticipatory bail to the petitioner.

6.At this juncture, the learned Counsel for the petitioner would submit that without prejudice to his contention in DVC, the petitioner is ready to deposit an amount of Rs.10,000/- per month to the account of the de-facto complainant. The parents of the petitioner have also filed an affidavit of undertaking to that effect before this Court.

7.Heard and perused the materials available on record.

8.It is noted that the parents of the petitioner had returned the 30 sovereigns of jewels and Rs.75,000/- to the de-facto complainant. Further, the parents of the petitioner/husband have also filed an affidavit before this Court that the petitioner is prepared to pay Rs.10,000/- per month as interim maintenance as ordered by the learned District Munsif-cum-Judicial Magistrate, Madhavaram, to the bank account (Account No.189301000011477, IFS Code: IOBA0001893, Indian Overseas Bank, Kolathur Branch) of the de-facto complainant.

9.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R.,
<https://www.hc.madras.gov.in/judis> affidavit of undertaking filed by the parents of the



petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, Thanjavur, 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 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 petitioner 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. The petitioner shall continue to deposit Rs.10,000/- as interim maintenance to the account of the de-facto complainant till further orders are passed in DVC.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of ten days and thereafter, as and when required on issuance of summons.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/03/2023

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/03/2023

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

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To

1.The Judicial Magistrate, Additional Mahila Court, Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



3.The Inspector of Police,
Thanjavur All Women Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-3057[I] dated
01/03/2023)

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-2983[I] dated 28/02/2023)

ORDER IN
CRL.O.P (MD) No.20232 of 2022
DATE : 27.02.2023

NA/SAR-3/08.03.2023/4P/7C