



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

Date : 31/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.21403 of 2022

WEB COPY

1. M.Manikandan

2. M. Murugeswari

... Petitioners/Accused No.1&2

Vs

1. The State rep.by,
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhuangar District
(Crime No. 22 of 2022).

2. Geerthanadevi,

(R2 is suo-motu impleaded vide order
dated 02.12.2022 in CRL OP(MD)No.21403
of 2022)

... Respondents/Complainants

For Petitioner : M/s.Jegadeeshpandian M,
Advocate.

For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

For R2 : Mr.Athimoolapandiyan, Advocate

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

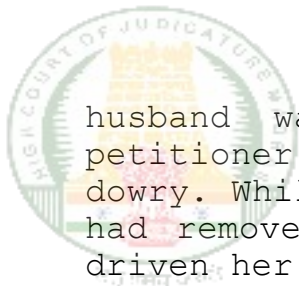
PRAYER :-

For Anticipatory Bail in Crime No. 22 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
498A and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of
Women's Harassment Act in Crime No.22 of 2022 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant
Geerthana Devi, is that the marriage between her and the first
petitioner was solemnized on 14.06.2021 at Ilanchi and at that time,
50 sovereigns of gold jewels and Rs.25,00,000/- worth of diamond
jewels were given as dowry and at the time of marriage, she was
studying in Thiruvananthapuram Government Dental College and her



husband was practising at Tenkasi. After marriage, the first petitioner harassed the de-facto complainant by demanding additional dowry. While so on 03.11.2021, there was a quarrel, due to which, he had removed her Thali and abused her in filthy language and also driven her out of the matrimonial home. Hence, the case.

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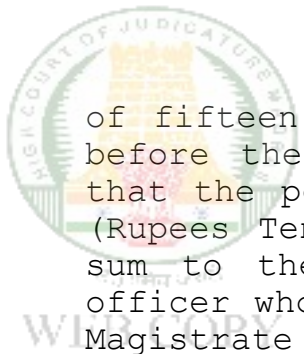
3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given out of matrimonial dispute. He would further submit that the first petitioner is a Doctor by profession specialised in Oncology and the de-facto complainant is the post Graduate in Dental Science. He would further submit that there was a misunderstanding between them on account of the de-facto complainant refusing to leave her parental home and come along with the petitioner to stay at Tenkasi, which has resulted in the de-facto complainant giving a false complaint. He would further submit that earlier the first petitioner had given a complaint and an enquiry was conducted before the All Women Police Station, Rajapalayam and the petitioners during the enquiry, had handed over all the jewels, which were given at the time of marriage to the de-facto complainant and the receipt has also been obtained. He would further submit that the first petitioner is ready to return back all the household articles. Due to the adamant attitude of the de-facto complainant, the first petitioner has also filed a petition seeking for divorce in H.M.O.P.No.220 of 2022 before the Sub Court, Sivakasi and it is also pending. He would further submit that the first petitioner is ready to abide by any stringent condition that may be imposed on him and as far as the second petitioner is concerned, there is no specific allegation against her. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the marriage between the first petitioner and the de-facto complainant was solemnized on 14.06.2021 at Ilanchi and at that time, 50 sovereigns of gold jewels and Rs.25,00,000/- worth of diamond jewels were given as dowry and at the time of marriage, she was studying MDS in Thiruvananthapuram Government Dental College and her husband was practising at Tenkasi. After marriage, the first petitioner harassed the de-facto complainant by demanding additional dowry, abused her in filthy language and removed her Thali and also driven her out of the matrimonial home. Hence, he opposed to grant anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 12 months.



of fifteen days from the date on which the order copy made, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter, on every Saturday and Sunday at 06.30 p.m., until further orders; and the second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

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

sd/-

31/01/2023

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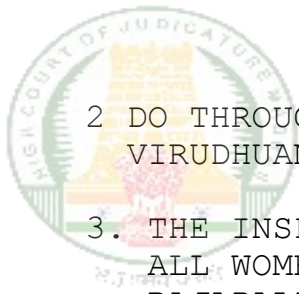
/02/2023

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

sjj

TO

1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT & SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUANGAR DISTRICT

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-1729[I] dated
02/02/2023)

ORDER

IN

CRL OP(MD) No.21403 of 2022

Date :31/01/2023

RK/VR/SAR-4 (13/02/2023) 4P/6C