

**IN THE COURT OF VACATION SESSIONS JUDGE, DINDIGUL**

**PRESENT: Selvi. M.K. Jamuna, M.L.,  
Vacation Sessions Judge, Dindigul.**

Thursday, the 27<sup>th</sup> day of May 2021

**Crl.M.P. No.1763/2021 and Crl.M.P. 1820/2021**

1. Periya Raja @ Periaraja, 52/2021  
S/o. Muthalif @ Abdul Muthalip
2. Nargees Banu @ Narkeesh Banu, 42/2021  
W/o. Periya Raja @ Periya Raja
3. Jahir Hussain @ Jahir Usain, 27/2021  
S/o. Periya Raja @ Periyaraja
4. Jubair Ahammed @ Zufair Ahamed, 23/2021  
S/o. Periya Raja @ Periyaraja
5. Ismail @ Mohamed Ismail, 47/2021  
S/o. Abdul Muthalip @ Abdul Muthalif
6. Musbira @ Musfira Parveen, 40/2021  
W/o. Ismail @ Mohamed Ismail
7. Basheer Ahamed @ Baseer, 46/2021 .. Petitioners/A2 to A7 and A11 in  
S/o. Abdul Muthalif @ Abdul Muthalip Crl.M.P. No.1763/2021

Aalam Sahana, 27/2021 .. Petitioner in Crl.M.P. No.1820/2021 / Defacto  
D/o. Raseeth Ahamed complainant / Intervenor

/vs/

State through  
Inspector of Police, Dindigul AWPS., .. Respondent/Complainant  
Cr. No. 05/2021

This petition is coming on this day for hearing before me in the presence of Thiru.P.Manikandan, Advocate for the petitioners in Crl.M.P.1763/2021 and of Tmt.C.K.Vishnu Priya, Advocate for the petitioner in Crl.M.P.1820/2021 and of Thiru. R.Manoharan, Public Prosecutor for the State and after hearing the arguments and perused records, this court passed the following

**COMMON ORDER**

Petition in Crl.M.P. No.1763/2021 filed u/s. 438 Cr.P.C. petitioner/A1 pray to grant them anticipatory bail for the offences punishable U/S. 294(b), 406, 498(A) IPC and Section 4 of Dowry Prohibition Act in Cr. No.5/2021 of the respondent police. The occurrence took place on 23.12.2018.

The petitioner in Crl.M.P. No.1820/2021/Intervenor/defacto complainant has filed a petition for dismissal of the anticipatory bail petition filed by the petitioners.

The learned counsel for the Petitioners/A2 to A7 and A11 in CrI.M.P. No.1763/2021 stated that the defacto complainant is none other than the wife of the A1, that the petitioners are inlaws and close relatives, that there arose difference of opinion between the A1 and his wife and she left her matrimonial house and now living with her parents for the past two years, that with intent to wreak vengeance this false complaint has been foisted, that A1 filed a petition before the Hon'ble Family Court in O.P. No.6/2020 for restitution of conjugal rights, that in order to colour the civil dispute as criminal one, this false complaint has been foisted with false allegations, that though the petitioners are taking all efforts to settle the matter amicably, the defacto complainant not co-operate the same, that the petitioners have no previous case, that the petitioners are belong to respectable family and they are law abiding citizens, that since they have permanent abode, there is no chance for absconding, that the petitioners apprehend arrest and he prays for anticipatory bail.

The learned counsel for the Intervenor filed an intervenor petition in Cr.M.P. No.1820/2021 by stating that the intervenor and the A1 were loved with each other eight years from their school going days onwards, but, the A2 who is father of A1 had not willing for their marriage, thereafter, the parents of the intervenor accepted all the demands of A1's parents and conducted marriage luxuriously, at the time of marriage, they gave 100 sovereigns of golden jewels, house hold articles and Rs.90,000/- worth gifts to A1 and also spent Rs.1 lakhs for his reception dress, that after marriage, the parents of A1 grabbed her 100 sovereigns of jewels in the name of they put it in bank locker, subsequently, they demanded demanding further dowry and driven out the defacto complainant from her matrimonial house, in the meantime, the intervenor begot a child, that after lapse of 1 ½ years of child birth, A1 or his family members are not chosen to see the intervenor or his child, that all the panchayats were ended in the vain, that now doctor advised her that the child got heart problem and it will need operation soon, that the intervenor requested her husband and his family members to give her jewels for medical expenses, but, they refused, hence, she mentally disturbed the act of the petitioners and that therefore the anticipatory bail petition is liable to be dismissed.

The learned Public Prosecutor for the State vehemently raised objection for anticipatory bail that A1 and the defacto complainant are husband and wife, other accused are parents and family members of A1, that the accused continuously tortured the defacto complainant demanding further dowry and driven out the defacto complainant from her matrimonial house, when the defacto complainant demanded her jewels, they abused her in filthy language and threatened her, hence the case.

Online submission of either side heard. Records perused. The case of the prosecution was that A1 married the defacto complainant and that he demanded 25 sovereigns of jewels as further dowry and even after birth of child, he had not visited his child and not maintaining his wife and

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child. Further, the defacto complainant was given 100 sovereigns of jewels on marriage and now all the accused refused to return the said jewels to her. The allegation of the defacto complainant was that the petitioners/accused have snatched her 100 sovereigns of jewels and not returned to her and A1 is not maintaining his wife and child. The learned counsel for the petitioners/accused stated that A1 filed Original petition before the Family Court, Dindigul for restitution of conjugal rights. Considering the facts and circumstances of the case and on considering the pandemic situation and prevention measure of COVID-19 Pandemic and the urgent need and necessity to ensure social distancing, this Court inclines to grant interim anticipatory bail to the petitioners/accused. **Interim anticipatory bail is granted to the petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 till 17.6.2021 with the following conditions.**

1. The petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 shall make themselves available for interrogation by the police officer as and when required.
2. The petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
3. The petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 shall not leave the town without prior permission of the court.
4. The petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 shall not tamper with evidence or witness either during investigation or trial.
5. The petitioners/A2 to A7 and A11 in Cr.M.P. No.1763/2021 shall not abscond either during investigation or trial.
6. **Both petitions are ordered to be taken up for hearing on 18.6.2021 along with the petition in C.V. Cr.M.P. No.27/2021.**

Pronounced by me, this the 27<sup>th</sup> day of May 2021.

**Sd/- M.K.Jamuna  
Vacation Sessions Judge,  
Dindigul**

- Since this bail order is electronically generated, does not require signature and court seal.
- This bail order is available in E-Courts Official Web Site,  
“ <https://districts.ecourts.gov.in/case status/case number>”.

**Copy to**

The Additional Mahila Court, Dindigul (JM Court Level)  
The Public Prosecutor, Dindigul.

The Inspector of Police, Dindigul AWPS.,

To ensure social distancing, they are requested to  
download the order from the official web site link.

Thiru.P.Manikandan, Advocate  
for the petitioners/Accused

Tmt.C.K.Vishnu Priya, Advocate for  
the Intervenor.