

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Monday, this the 18th day of January -2021.

CrL.M.P.No.112/2020 & 127/2020

- | | |
|-------------------------------------|--------------------------|
| 1. Selvaraj, S/o.Pitchai | ... Petitioners/Accused. |
| 2. Rajesh, S/o.Selvaraj | in Crmp No.112/2020. |
| 1. Easwari, W/o.Selvaraj | |
| 2. Selvarani, W/o.Thamilan | |
| 3. Thamilan, S/o.Perkmens | |
| 4. Senthilkumar, S/o.Periyakaruppan | |
| 5. Santhakumari, W/o.Periyakaruppan | |
| 6. Jeyaprakash, S/o.Pitchai Thevar | ... Petitioners/Accused. |
| 7. Vasanthakarathi, S/o.Selvaraj | in Crmp No.127/2020. |

Vs

State through the Inspector of Police, ... Respondent/Complainant.
Thirupparankundram AWP.S. Cr.No.24/2019 in both petitions.

These petitions taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.L.Absar Usain, Advocate for the petitioners in both petitions and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Common Order

1. Anticipatory Bail application u/s 438 of Cr.P.C.
- 2 The offence alleged are under Section 498(A), 406 and 506(i) of IPC.
3. The intervene petitioner has filed intervene petition seeking permission to assist the learned Public Prosecutor and the same is permitted.
3. Heard all.
4. The learned counsel for the petitioners in CrL.M.P.Nos.112 and 127/2020 would submit that the 1st petitioner in CrL.M.P.No.112/2020 is the

fathther-in-law of the defacto complainant and the 2nd petitioner is her husband. The defacto complainant is the daughter of the 1st petitioner's sister. Their marriage took place on 3.6.2021 and they are having children. At the time of marriage 96 sovereigns of gold jewels and other house hold articles were given. The 2nd petitioner was given 5 sovereign gold jewels. The 2nd petitioner is working in Passport Office. The defacto complainant was running hotel business by pledging her jewels and suffered by loss. Till date the defacto complainant is paying interest. There is no demand of dowry. The defacto complainant is leaving her husband and living separately and The 2nd petitioner has already sent legal notice to her for living together, but she has not turned up, The relationship of the petitioners in Crl.M.P.No.127/2020 are not mentioned in the FIR. The matter has been referred to mediation for amicable settlement, but no settlement was arrived. Now, the matter has not been settled. The petitioners in Crl.M.P.No.112/2020 and the defacto complainant are close relatives. Since the case is pending more than one year, the learned counsel prays to grant anticipatory bail.

5. The learned Public Prosecutor and learned counsel for the intervene petitioner have submitted that the marriage between the 2nd petitioner and the defacto complainant was taken place in the year 2011 and they are having children. At the time of marriage 96 gold sovereign was given to the wife and 5 sovereign was given to the husband besides house articles. The husband and his father made threat to the wife and pledged 47 sovereigns of gold jewels and sold 25 sovereigns of gold. They have not redeemed for returning the jewels. Considering the relationship the matter was referred to mediation with condition for return of jewel, but the husband and the father-in-law did not cause of return of jewels. Though the matter was sent to mediation, settlement was not arrived. The investigation is pending and raised strong objection.

6. The petitioners have been charged for the offence under Section 498(A), 406 and 506(i) of IPC. Already the matter was sent to mediation, but not settled. The case is registered in the year 2019 and still investigation is pending and charge sheet is not filed. The petitioners are stated to be relatives of the defacto complainant. But, from submission of the learned counsels, the relationship of the petitioners in CrI.M.P.No.127/2020 has not disclosed by them. It is alleged that huge sovereigns of gold jewels of the wife were pledged with the bank and there same have not been redeemed. Hence, considering relationship of the petitioners in CrI.M.P.No.112/2020 with the defacto complainant and other facts and circumstances and considering the overtacts alleged against them, this Court is not inclined to grant anticipatory bail to the petitioners in CrI.M.P.No.112/2020. However, since the relationship of the petitioners in CrI.M.P.No.127/2020 was not disclosed and there is no specific overtacts as against them, this Court is inclined to grant anticipatory bail to them.

7. In the result in the event of arrest or on their surrendering before the Court concerned the petitioners in CrI.M.P.No.127/2020 are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.6, Madurai subject to the following conditions:-

(i) The petitioners in CrI.M.P.No.127/2020 shall surrender before the Court concerned within 15 days from today without fail.

(ii) The petitioners in CrI.M.P.No.127/2020 shall appear and sign before the Inspector of police, respondent police station daily at 10.00 a.m. until further orders.

(iii) The petitioners in CrI.M.P.No.127/2020 shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

8. If there is any violation of condition, the Investigation officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail even though anticipatory bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

9. The petition in CrI.M.P.No.112/2020 is dismissed.

Pronounced by me in Open Court on the 18th day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.No.6. Madurai.
2. The Inspector of Police, Thirupparankundram AWP.S.
3. The Petitioners through his counsel.