



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

Tuesday, the Twenty First day of April Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.7441 and 7442 of 2015

WEB COPY

SURESH @ SELVAKUMAR

... PETITIONER/ACCUSED NO.1
IN CRL OP(MD).No.7441 of 2015

THANGAM

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD).No.7442 of 2015

Vs

STATE REP BY
THE SUB-INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT
CRIME NO.324/2014

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.P.PETHU RAJESH Advocate
IN BOTH PETITIONS

For Respondent : MR.K.V.RAJARAJAN,
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

PETITION FOR BAIL Under Sec. 439 Cr.P.C.
IN CRL OP(MD).No.7441 of 2015

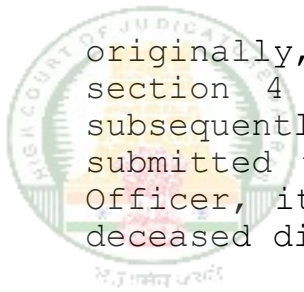
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
IN CRL OP(MD).No.7442 of 2015

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.7441 of 2015 is A1 and he was arrested on 28.03.2015 and remanded to judicial custody and the petitioner in Crl.O.P(MD)No.7442 of 2015 is A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A), 304(B) @ 306 of IPC and sec.4 of TNPWH Act in Crime No.324 of 2014 on the file of the respondent police and hence, seeks bail and anticipatory bail respectively.

2.The case of the prosecution is that on 28.04.2014 the mother of the deceased lodged a complaint alleging that due to dowry harassment, the deceased came to her house and on 28.08.2014, she poured kerosene and set herself ablaze.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that



originally, the case was registered under section 498(A) of IPC and section 4 of DP Act and later, altered into 304(B) of IPC and subsequently, it was altered into 306 of IPC. It is further submitted that in the enquiry conducted by the Revenue Divisional Officer, it was found out that there is no dowry harassment and the deceased died due to depression in her life.

4. It is further submitted that the occurrence had taken place on 28.08.2014 and the petitioners had attended the funeral of the deceased and also they were available in their home throughout however, due to some dispute between the family of the deceased and the petitioners, a further statement was recorded from the de-facto complainant and A1 was arrested on 28.03.2015.

5. The learned Government Advocate (Criminal side) submitted that the report of the Revenue Divisional Officer would show that there was no dowry harassment and the deceased died due to some misunderstanding with her husband.

6. The learned Government Advocate (Criminal side) has produced the report of the Revenue Divisional Officer, dated 04.09.2014, in which it is stated that the deceased was living happily with her husband and her sister-in-law.

7. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner in CrI.O.P(MD) No.7441 of 2015 and anticipatory bail to the petitioner in CrI.O.P (MD) No.7442 of 2015 with certain conditions.

8. Accordingly, the petitioner in CrI.O.P(MD) No.7441 of 2015 is ordered to be released on bail, on his executing a personal 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 learned Judicial Magistrate, Srivaikundam and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

9. The petitioner in CrI.O.P(MD) No.7442 of 2015 is ordered to be released on bail in the event of arrest or on her appearance before the learned learned Judicial Magistrate, Srivaikundam and on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/04/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE THOOTHUKUDI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

4 THE SUB-INSPECTOR OF POLICE
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.P.PETHU RAJESH Advocate SR.No.20472 & 20473
ORDER
IN

CRL OP (MD) Nos.7441 & 7442 of 2015
Date :21/04/2015

NA/21/04/2015/P3/8C