



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

Tuesday, the Eighteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14092 of 2015

1 MRS. GOMATHI

...PETITIONER/A2

2 MRS. RUKUMANI

3 MR. SUBRAMANI

4 MRS. DURGADEVI

5 MR. R. SUNDARAVADIVEL

... PETITIONER(S) / ACCUSED  
RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, TRICHY DISTRICT  
CRIME NO.16/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SANKARAKUTRALINGAM Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

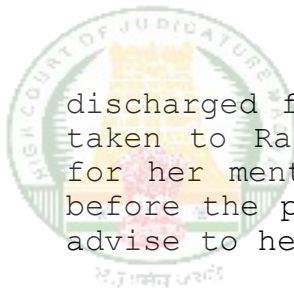
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A) and 304(B) of IPC, in Crime No.16 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 married the deceased Rajalakshmi on 12.04.2012 and out of their wedlock, a female child was born to them and thereafter, all the accused harassed the deceased demanding additional dowry of Rs.10,00,000/-, which led to suicide by the deceased.

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. The learned counsel further submitted that the deceased was suffering from mental illness and she was taking treatment even prior to the marriage, which was suppressed by the deceased and her parents; that on 18.05.2015, she made an attempt to commit suicide, for which she was admitted in the Nero Life Hospital and he was



discharged for her non co-operation for treatment and thereafter, she was taken to Raju hospital, where they advised to give electrical treatment for her mental illness and that A1 gave a complaint against the deceased before the police on 06.04.2015 and the complaint was closed, after giving advise to her.

4.The learned counsel further submitted that A1 issued a notice, dated 21.05.2015 through his Advocate and thereafter, filed HMOP No.252 of 2015 seeking divorce and after receipt of summons, she committed suicide on 12.07.2015 and that A1 was arrested by the respondent police and he moved petition seeking for bail in CrI.M.P.No.1893 of 2015 before learned Additional District Judge, Trichy and he was granted bail by the learned Sessions Judge on 31.07.2015 observing that the deceased was suffering from mental illness.

5.Per contra, the Government Advocate (Criminal side) appearing for the respondent submitted that the deceased has left her suicide note, in which she has elaborately narrated the physical and mental cruelty meted out to her from the date of marriage and it is further stated in the suicide note that the accused have created some documents, as if she was suffering from mental illness and the entire reading of the suicide note would reveal that the deceased was subject to cruelty for want of dowry of Rs.10,00,000/- and further the report of the Revenue Divisional Officer would go to show that the deceased died due to dowry harassment.

6.The learned Government Advocate (Criminal side) has produced a xerox copy of suicide note written by the deceased and the report of the Revenue Divisional Officer, dated 15.07.2015.

7.The respondent has filed a detailed counter objecting grant of anticipatory bail to the petitioners.

8.I have gone through the entire suicide note and the report of the Revenue Divisional Officer. The deceased has categorically stated in the suicide note with regard to the illegal demand made by the accused and she has also specifically stated that Subramaniam/3<sup>rd</sup> petitioner was mainly reasonable for this unfortunate event.

9.Though, the accused have contended that the deceased was taking treatment for her mental illness even prior to her marriage, they have not produced even a piece of evidence to substantiate their contention. The deceased herself has stated in the suicide note that she was taken to the hospital by her husband at the instigation of her brother-in-law subramaniam to create records as if she was suffering from mental illness. However, the learned Sessions Judge without any reliable evidence had come to the conclusion that the victim was suffering from mental illness and granted bail to A1. Therefore, the petitioners cannot rely on the order passed by the learned Sessions Judge.

10.Keeping in the specific allegations made in the suicide note, the report of the Revenue Divisional Officer and also taking into consideration of the allegations made in the complaint against the accused by the de-facto complainant, who is the mother of the deceased that her daughter was subject to harassment and torture for demand of additional dowry and if the amount is not given, A1 would contract a second marriage,



this court of the opinion that the petitioners are not entitled for anticipatory bail. Hence, the petition is dismissed.

WEB COPY

sd/-  
18/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, SRIRANGAM, TRICHY DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.SANKARAKUTRALINGAM Advocate SR.No.47403.

TS/19.08.2015/2P - 4C KBM/SAR -II

ORDER  
IN  
CRL OP(MD) No.14092 of 2015  
Date :18/08/2015