

Crl.OP.No.6623 of 2016**K.KALYANASUNDARAM,J.**

The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 Cr.P.C and subsequently altered under Section 306 IPC in Crime No.1878 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the the petitioner/A1 married the defacto complainant's daughter on 28.01.2007. Due to wedlock, two daughters were born through them and she committed suicide on 03.11.2014 by hanging. The case was registered based on the complaint given by the mother of the deceased, in which, she has stated that her daughter was suffering from nervous problem and she was also taking treatment. Further, it is stated that she was facing mental tension and she was also having small problems with her husband. While so, her husband received a call from her son in law informing that her daughter has committed suicide.

3.Mr.S.Kasirajan, learned counsel for the petitioner would submit that the deceased was suffering from mental illness and she was provided continuous treatment by the petitioner by spending lakhs of rupees, as she is hailing from poor family. It is further submitted that there is absolutely no allegation in the complaint in respect of demand of dowry or harassment and she has also left a suicide note stating that she is responsible for her suicide.

Immediately, after the occurrence, the children of the petitioner were taken to his sister-in-law's house, in Karnataka, where they were tutored to give statement against the petitioner and therefore, the statements dated 03.09.2015 have no credence at all.

4.The learned counsel would further contend that even in the complaint, it is admitted that the deceased was suffering from serious illness. The petitioner is an innocent and he is implicated in this case within an ulterior motive.

5.Per contra, the learned Government Advocate (Criminal Side) would submit that originally the case was registered on the file of the first respondent and subsequently, based on the representation of the sister of the deceased, the case is now being investigated by the second respondent. He further submitted that the two children of the deceased have given statements stating that on 03.11.2014, the first accused assaulted the deceased demanding money from her parents. Learned Government Advocate further admits that there is material contradictions in the statement of the children and the suicide note left by the deceased. It is further submitted that the respondent police has completed major portion of the investigation and they have to file the charge sheet.

6. Considering the above facts and circumstances of the case and also considering the fact that the petitioner has no bad

antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate, Ambattur and on his 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 the petitioners 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.

8. 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.

06.04.2016

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