

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.23492 of 2018

1 M.GUNASEELAN

[PETITIONERS / ACCUSED]

2 RAJAM

Vs

[RESPONDENT]

STATE BY,
THE INSPECTOR OF POLICE,
THIRUVERKADU POLICE STATION,
THIRUVALLUVAR DISTRICT.
(CR.NO.868/2018)

For Petitioner : M/S.VARUN GANDHI G. Advocate

For Respondent : MR. M.PRABHAVATHI, Additional Public Prosecutor

For Intervener : M/S.MONOJ PRABAKAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Section 174 (3) @ 306 IPC in Crime No.868 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the deceased and the A1 got married during the year 2013. They gave birth to two children. Because of the wordy quarrel between the deceased and A1 on 17.08.2018, the deceased/victim hanged herself and committed suicide. She was taken to hospital for treatment and while on the way to hospital, she died. Hence, the complaint.

3.The learned counsel for the petitioners would submit that as far as the petitioners are concerned they are the parents of A1 and they are nothing to do with the crime as alleged by the prosecution. A simple wordy quarrel between the A1 and the deceased, reported in suicide of the victim. Hence he pray for grant of anticipatory bail.

4.Mr.Manoj Prabakar, learned counsel appearing for the intervener/defacto complainant would submit that only because of the torture given by the petitioner's family, the deceased committed suicide. He would further submit that the 1st petitioner tried to misbehave with the deceased on so many occasions, which was informed to the defacto complainant. Even then she was advised by her parents to stay in the matrimonial house. Further he would submit that they beaten the deceased on so many occasions. Therefore, on torture and harassment by the husband, the deceased committed suicide. Hence the learned counsel vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor would submit that the petitioners are concerned A2 and A3 are father-in-law and mother-in-law of the deceased. Only because of their torture and harassment, the deceased committed suicide by hanging herself. She further submitted that the 1st petitioner is concerned, he misbehaved with the deceased on so many occasions and she informed the same to her parents. Further the A1 is concerned, he is still absconding and not yet arrested. Therefore, she vehemently opposed to grant anticipatory bail to the petitioners.

6.It is seen from the statement recorded under Section 161 Cr.P.C, there is a specific allegation against the 1st petitioner and he misbehaved with the deceased. Further he also beaten the deceased on several occasions. It was duly informed to the defacto complainant, even then, she was advised to stay in the matrimonial house.

7.Considering the above facts and circumstances, this court is not inclined to grant anticipatory bail to the 1st petitioner. As far as the 2nd petitioner is concerned, who is the wife of the 1st petitioner and arraigned as A3. Further, she has no specific overt act in the crime as alleged by the prosecution. Therefore, this Court is inclined to grant anticipatory bail to the 2nd petitioner. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Poonamallee, on condition that the 2nd petitioner alone shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 2nd petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 2 weeks and thereafter as and when required for interrogation.

<https://hcservices.ecourts.gov.in/hcservices/>

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVERKADU POLICE STATION,
THIRUVALLUVAR DISTRICT.

+1 CC to M/S.VARUN GANDHI G. Advocate on payment of necessary charges SR.NO.23329

CRL OP.23492/2018

Date :06/12/2018

TA-10/12/2018