



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

Date : 09/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10664 of 2019

Navaneedhakrishnan

... Petitioner/Sole Accused

Vs

State Rep by
The Sub Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.136 of 2019).

... Respondent/Complainant

For Petitioner: M/s.M.Jothi Basu,
Advocate.

For Respondent: Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervenor: Mr.V.Kathirvelu, Senior counsel for
Mr.M.Boopathi Pandian

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

PRAYER :-

for Anticipatory bail in Crime No.136 of 2019 on the file of
the respondent of police

ORDER : The Court Made the following order :-

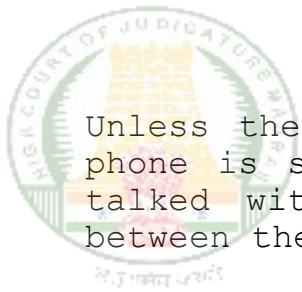
The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 174
Cr.P.C @ 306 IPC, in Crime No.136 of 2019.

2.Heard both sides.



3.The learned counsel for the petitioner has submitted that the petitioner is working as a Professor in a Polytechnic College. The marriage between the petitioner and the deceased took place two and a half years ago and till the death of the deceased a cordial relationship was existed between them. He further submitted that since the deceased even after two and a half years, did not conceive, inspite of the treatment, she was under the depression and due to the same, she committed suicide by hanging herself on 24.02.2019. He further submitted that the father of the deceased has lodged a complaint and based on the same, a case was originally registered under Section 174 Cr.P.C and Revenue Divisional Officer has conducted an enquiry and the Revenue Divisional Officer submitted a report stating that there is no dowry harassment and hence, the case was altered into under Section 306 IPC. He further submitted that in the FIR, the father of the deceased (defacto complainant) has not at all stated that the petitioner has caused any cruelty to the deceased either for demanding dowry or on account of any other grounds. He further submitted that even as per the FIR, on precious day, the deceased had talked over phone with the defacto complainant and also with her mother, but, nothing has been stated in the FIR that at that time, the deceased was subjected to any harassment by the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Senior counsel for the Intervenor/defacto complainant has submitted that even though it is not specifically mentioned in the FIR with regard to the cruelty caused to the deceased by the petitioner, it is stated in the FIR that only a neighbour of the petitioner has contacted the defacto complainant over phone and informed that the deceased has committed suicide and immediately, the defacto complainant has tried to contact the petitioner over phone, but the petitioner cut the said call and thereafter, he tried to contact the petitioner's brother over phone and he also did not attend the call. Therefore, the conduct of the petitioner and his brother would create a suspicion over the death of the deceased. He further submitted that the sister of the deceased gave a statement before the RDO stating that eventhough the defacto complainant was ready to take the deceased to the hospital for treatment, the petitioner has not co-operated for the same. Further, she has stated that the petitioner has demanded a sum of Rs.2,00,000/- for getting the post of Village Administrative Officer, but, inspite of the same, the Revenue Divisional Officer has colluded with the petitioner and gave a biased report stating that there was no demand of dowry. He further submitted that the petitioner has handed over the cell-phone of the deceased to the defacto complainant after deleting the calls and that also would show that the petitioner is trying to screen/tamper the evidence. He further submitted that the petitioner gave a statement before the Revenue Divisional Officer stating that the deceased before committing suicide, contacted him over phone and talked with him.



Unless the petitioner is arrested, interrogated and the said cell phone is seized, it is not possible to know from which place, he talked with her and also what was the conversation took place between them. Therefore, he strongly opposed this petition.

5.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned Senior counsel for the Intervenor/defacto complainant and she also prayed to dismiss the petition.

6.The FIR has been registered based on the complaint given by the father of the deceased. In the said FIR, he has not at all stated that at any point of time there was a misunderstanding between the petitioner and the deceased. Further he has not stated that the petitioner has demanded dowry. On the contrary, he has stated that even after two and a half years from the date of marriage, there was no issue for them, and hence, both the petitioner as well as his daughter (deceased) took treatment. Further, he has stated that on 23.02.2019 at 03.00 p.m, the deceased talked with him and also with his wife over the phone and also informed them that she will come to Kovilpatty in the next week. But, he has not stated that on 23.02.2019, when the deceased was talking over phone she has made any complaint against the petitioner.

7.It is also to be pointed out that in the report submitted by the Revenue Divisional Officer, he has stated that there is no harassment with regard to dowry. Admittedly, the cell phone of the deceased is now with the respondent police. The police can direct the petitioner to produce his cell phone which was used on the date of occurrence i.e., 24.02.2019 between 06.15 a.m and 08.00 a.m and the police can send those cell phones to the Forensic lab and retrieve the call details and also the conversations which took place between the petitioner and the deceased. Therefore, this Court is of the view that the arrest of the petitioner is not necessary.

8.Taking into consideration of all the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Rajapalayam, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

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

[d] the 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/-

09/08/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 JUDICIAL MAGISTRATE COURT, RAJAPALAYAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT.

3 THE SUB INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHI BASU, Advocate SR.No.13330

ORDER

IN

CRL OP(MD) No.10664 of 2019

Date :09/08/2019

AM/JC/SAR-3/21.08.2019/4P-6C

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