



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

Date : 06/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.19589 of 2019

1. Sivasankaravelu,
2. Sivagamasundari,
3. Maheswari,

... Petitioners/Accused 2 to 4

Vs

The State
By The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District,
Crime No.686 of 2019.

... Respondent/Complainant

Selvaraj ..Petitioner/Defacto Complainant
in Crl.M.P.No. 4 of 2020
in Crl.O.P(MD)No.19589 of 2019

For Petitioner : M/s.D.Venkatesh,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Mahendrapathy, Advocate

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

PRAYER :-

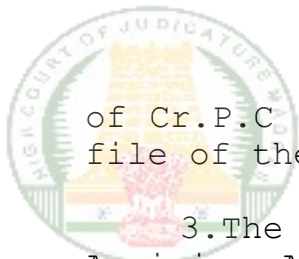
For Anticipatory Bail in Crime No.686 of 2019 on the file of
the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, the
learned counsel appearing for the intervenor and the learned
Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 174(3)

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



of Cr.P.C @ Section 306 of I.P.C., in Crime No. 686 of 2019, on the file of the respondent police, seek anticipatory bail.

3.The de-facto complainant is the father of the deceased Aswini. Aswini had studied upto B.Tech. She was given in marriage on 14.11.2013 to A-1/Arunachalam. Two children namely, Ananya and Arumugavel were born through the wedlock. The de-facto complainant alleges that the victim was harassed at the hands of the petitioners herein. They were demanding additional dowry. Unable to bear the harassment, Aswini had committed suicide by hanging herself in the early hours on 21.12.2019. Initially, an FIR was registered under Section 174(3) of Cr.P.C. and later, altered to one under Section 306 of IPC.

4.This Court wanted to know if some arrangements could be made in favour of two children. The petitioner had filed an affidavit indicating that they are willing to settle a valuable property in the name of the children. But then, the intervenor's counsel states that they are not interested in any amicable arrangements and that they only want justice for the deceased Aswini.

5.The copy of the suicide note written by Aswini is made available. In her suicide note, Aswini had implicated the petitioners herein. The learned counsel for the intervenor would point out that apart from the third petitioner, petitioners 1 and 2 are having yet another daughter, who is also residing at Chennai. But then, in the suicide note, the other sister-in-law has not been impleaded. Likewise, even against the husband, the only allegation made by the deceased was that he was remaining indifferent to her plight. Therefore, I find force in the objection raised by the intervenor's counsel that the petitioners herein are responsible for the death of Aswini.

6.Aswini got married only six years ago. Two young children, now aged 5 years and 2 years, were left behind by her. This Court can visualize her inner stress, to which she was subjected to. Since in the suicide note, the petitioners herein have been directly implicated, I am not inclined to grant relief of anticipatory bail to the petitioners herein.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-262 dated 07/01/2020)

+1 CC to M/s.D.VENKATESH, Advocate (SR-431 dated 08/01/2020)

ORDER

IN

CRL OP(MD) No.19589 of 2019

Date :06/01/2020

sj i

ES/PN/SAR 2/23.01.2020/3P/5C