



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9941 of 2021

Nandhakumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thuvakudi Police Station,
Thuvakudi,
Trichy District.
Crime No.399/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

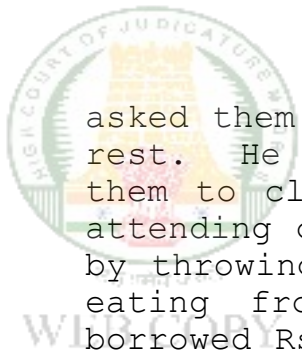
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Cr.No.399 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 07.06.2021 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC in Crime No.399 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the accused had taken place 19 years back and they had three children namely Dhanalakshmi aged about 18 years, Divya aged about 15 years and Vignesh aged about 13 years. The petitioner was running Sreedevi Welding shop and Sreedevi ambulance for the past 10 years. Their first daughter was studying B.Com., first year, second daughter was studying 12th standard and the third son was studying 6th standard. There was some dispute between the defacto complainant and petitioner with regard to the manner the children have be reared. Her husband has no drinking habit or any other bad habits. He used to give the money to the deceased earned by him only. However, he was very strict with the children and



asked them not to watch TV or use cell phone and nobody should take rest. He used to force them to work in the welding shop and ask them to clean the ambulance. When his children were using tab for attending online class he had taken from them and broke into pieces by throwing it to the ground. When asked he replied that they are eating from the money earned by him. The defacto complainant borrowed Rs.70000/- for paying fees to her daughter and to join her in college. After coming to know about this, the petitioner told the defacto complainant that she has to return this money by bedding with some one else. Further he used to scold his daughters saying that they should not eat from his money, if they have really born to him. He asked them to go out of the house, work and earn money. When the defacto complainant asked him as to how she can earn money with a grown up girl and small children, he told her to bed with 10 persons and earn money. Therefore the defacto complainant and children were deeply hurt and decided to commit suicide. On 06.06.2021 at about 9.30 am., when the petitioner was not in home they consumed oleander seeds. Some time later the children started vomiting, her husband brought 108 ambulance and took them to hospital. There Vignesh and Divya were declared dead. The defacto complainant and her elder daughter survived. Therefore the case came to be registered. Initially the case was registered under Section 174 Cr.P.C and later it has been altered to section 306 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner has no intention to abet the defacto complainant and children to commit suicide. Even as per the allegation made in the complaint that the petitioner has no bad habits and he has spent the money earned by him to his family. The defacto complainant and her children made decision to commit suicide. He would further submit that the petitioner is in judicial custody from 07.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the attitude of the petitioner by repeatedly scolding the defacto complainant and children that they should work in the welding shop and he asked the defacto complainant to bed with ten persons and earn money only induced and abetted the defacto complainant to attempt suicide and children to commit suicide. Therefore he seeks dismissal of the petition.

5. As narrated above, the specific allegation against this petitioner is that he was constantly insulting and scolding the defacto complainant and his children by stating that they are living on his money. He asked them to work always and did not allow them to take rest. He has broken the tab which was used for online class. At the height of this he has also told the defacto complainant to bed with ten persons and earn money. This serious and insulting words affected the mental equilibrium of the defacto complainant and her children which prompted them to take drastic



decision to commit suicide. Further the case was registered only on 06.06.2021 and the investigation is not yet completed, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

WEB COPY

sd/-
27/07/2021

/ TRUE COPY /

/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION, THUVAKUDI,
TRICHY DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL JAIL,
TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9941 of 2021
Date :27/07/2021

AAV
MK/VR/SAR.I/02.08.2021/3P/4C