



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

Monday, the Thirteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19504 of 2021

1 GOKUL
2 SATHYAMOORTHY
3 DEVIKA RANI ... PETITIONERS / ACCUSED NO.A1,A2 & A3

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
CANTONMENT,
TRICHY DISTRICT.
(CRIME NO.19/2021) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S. KARUPPASAMY PANDIAN.G. Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under section 306 IPC, in Crime No.19 of 2021 on the file of the respondent police and hence, seek anticipatory bail.

2.The petitioners are facing the charge under section 306 IPC.

3.The learned counsel appearing for the petitioners would submit that because of the matrimonial dispute between the first petitioner, who is A1 and his wife namely the deceased Sanjini, she went out of the matrimonial home and started living separately and they had a child and effort that has been made by this petitioner to bring back the deceased ended in fail. They decided to get mutual divorce and to the effect, HMOP was moved before the Family Court, Trichy, in HMOP NO.426 of 2021, dated 11.08.2021. After filing of the above said petition, the deceased was residing in her parental home along with her parents. The case before the Family Court was about to be taken up on 08.02.2021. Since the statutory period

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happened, on the date of which, the deceased committed suicide. The tonsuring and ear-boring ceremony of the son was taken on 19.09.2021. The 1st petitioner did not attend the above said celebration, the guests who came to the above said celebration have enquired about his husband namely A1. Because of that, the deceased became frustrated and committed suicide. So according to the petitioners, absolutely there is no abetment on their part, which drove the deceased to commit suicide.

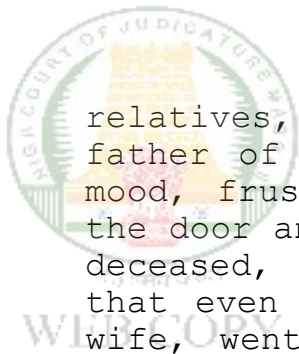
4.The learned Additional Public Prosecutor would submit that before suicide, a note has been prepared by the deceased making allegations against these petitioners and her in-laws about the torture and other things, that have been meted out by her and her children. So according to the learned Additional Public Prosecutor, only because of the torture, which was made mentally by these petitioners, the deceased was driven to commit suicide. According to him, prima facie materials have been collected by the prosecution during the course of investigation, though the RDO report concluding that there was no dowry harassment before the death.

5.The entire CD file has been produced. The document which is relied by the prosecution is dated 12.12.2020, which is much before filing of the mutual divorce application that has been moved by the 1st petitioner and the deceased before the Family Court, Trichy, as stated above.

6.A reading of the note shows that these petitioners demanding the salary of the deceased and additional dowry, she was assaulted and harassed. So over the above said assault and harassment, she made a complaint before the All Women Police Station, Cantonment, Trichy. During the course of enquiry, these petitioners have stated that they will take care of her properly and on that basis, separately residing in her parental home. Later, the deceased directed the 1st petitioner to come to Thuraiyur, since she was working in Thotiyam. Again trouble arose between them, she expressed her anguish over the activities of the 1st petitioner.

7.This note reveals that at one point of time, there was trouble between them, which also ended in compromise in CSR No.159 of 2021 on the file of the All Women Police Station, Cantonment, Trichy. The above said complaint came to be closed because of the above said compromise between them on 27.07.2020. Now the de-facto complainant, the mother of the deceased says that because of the torture made by the petitioners both physically and mentally, the deceased committed suicide.

8.As stated above, the suicide committed by the deceased on 11.09.2021 I.e., within a month from the date of filing of the mutual divorce petition before the Family Court, Trichy. The de-



relatives, who attended the ear-boring ceremony, enquired about the father of the child. So because of that, the deceased was in sad mood, frustrated mood and weeping went inside the room and locked the door and about 11.45 am, on breaking the lock of the door of the deceased, she was found hanging. So these sequence of events shows that even though, there was a dispute between the husband and the wife, went at one point of time and later what happened for the deceased is a matter for investigation. Whether the suicide was committed by the deceased in frustrated mood or because of the mental torture that has been made by the petitioners or whether the mental tortured that has been alleged committed by the petitioners will come under the definition of abetment of suicide, is a matter for investigation.

9.Perusal of the CD files shows that the investigation is almost completed. In view of the above circumstances, this Court is inclined to **grant anticipatory bail** to the petitioners with certain conditions.

10.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Judge (Magistrate Level) Trichy and on each of them 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 Judge concerned and the petitioners shall appear before the respondent police daily at 10.00 am, until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

11.The petitioners 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.

sd/-
13/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL MAHILA JUDGE,
(MAGISTRATE LEVEL), TRICHY.



2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY DISTRICT.

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

+1 CC to M/s.G.KARUPPASAMY PANDIAN, Advocate (SR-9213[I] dated
14/12/2021)

ORDER

IN

CRL OP(MD) No.19504 of 2021

Date :13/12/2021

TR/PN/SAR-III(20.12.2021) 4P 6C