



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.19905 of 2021

1.Latha

2.Gopinath

... Petitioners/Accused Nos.4 & 5

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy District.
(Crime No.19 of 2021)

... Respondent/Complainant

For Petitioners : Mr.G.Karuppasamy Pandiyan,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No. 19 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are A4 and A5 apprehend arrest at the hands of the respondent police for the alleged offences punishable under section 174 Cr.P.C @ 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. This Court has granted anticipatory bail to the co-accused in Crl.O.P(MD).No.19504 of 2021 dated 13.12.2021 and passed 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

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 expires only on 08.02.2021, in the meantime, the unfortunate has 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,

<https://hcservices.ecourts.gov.in/hcservices/> 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 defacto complainant has stated in her complaint that all the 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



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.''

4. The above said order squarely applies to this petition also. Hence this Petition is allowed with the with certain conditions.

5. 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.

6. 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/-

14/12/2021

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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 ADDITIONAL MAHILA JUDGE
(MAGISTRATE LEVEL), TRICHY.

3 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

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 Mr.G.KARUPPASAMY PANDIAN, Advocate (SR-9212[I] dated
14/12/2021)

ORDER

IN

CRL OP(MD) No.19905 of 2021

Date :14/12/2021

TTA

MK/PN/SAR.IV/28.02.2022/5P/6C