



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION NOS.10485 AND 10494 of 2022

MANI

[ PETITIONER / ACCUSED  
IN CRL.OP.NO.10485/2022]

1 RAMASAMY  
2 CHINNAPONNU

[PETITIONERS/ACCUSED  
IN CRL.OP.NO.10494/2022]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
KARIPATTY POLICE STATION,  
SALEM DISTRICT.  
(CRIME NO. 422 OF 2021)

[ RESPONDENT/COMPLAINANT  
IN BOTH PETITIONS]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate  
[IN BOTH PETITIONS]

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate ( Crl. Side)  
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Section 174(3) of Cr.P.C and later it was altered into offence under Section 306 of IPC, in Crime No.422 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The allegations made in the First Information Report are that the deceased Bhuvaneshwari who is the daughter of the defacto complainant was given in marriage to the first accused in the year 2017. They have a 4 year old son namely Dhaswin. From the date of marriage, the parents of the first accused said to have badly treated the deceased by scolding her in filthy language and stating that she



should not be residing in the house constructed by them. On 07.12.2021, at about 09.30 a.m, the deceased said to have communicated with her brother namely Anand through phone that her mother-in-law scolded her in filthy language and asked her to get out of the house. Immediately, the defacto complainant and his wife visited the accused house and found that the deceased was dead. It was informed that the deceased committed suicide by hanging. Suspecting the death of the deceased, the defacto complainant gave this complaint.

3. The learned counsel appearing for the petitioners submitted that the allegations made in the First Information Report are not true for the reason that the deceased and her husband, who is the first accused are living in a separate house. The first accused's parents are living in a separate house. He has also produced the xerox copies of the Aadhar Card issued to both of them to show that they are living in a separate buildings. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the investigation in this case is in progress and he has also produced the copy of the report of the RDO.

5. A perusal of the RDO report shows that there was a frequent quarrel between the deceased and the accused. There was a quarrel on the date of death of the deceased and therefore, the deceased committed suicide. The enquiry finding of the RDO is that the deceased had not died/committed suicide due to dowry harassment. Even in the First Information Report, there is no specific allegations of dowry harassment against the petitioners. It was just alleged that her in-laws harassed and committed cruelty on her and that was not questioned by her husband. As of now, there is no material available to show that the accused had abetted the commission of suicide by the deceased.

6. Submissions made by the learned counsels appearing on either side are considered.

7. Considering the facts and circumstances of the case, this Court comes to the conclusion that for the completion of investigation, custodial interrogation of the petitioners is not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Salem District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer



who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.00 a.m, until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

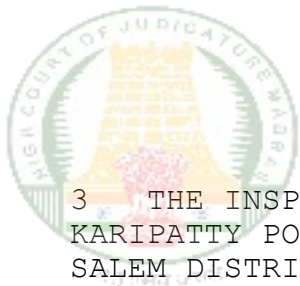
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,  
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,  
KARIPATTY POLICE STATION,  
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary  
charges SR.Nos.6795+6796

CRL OP.NOs.10485&10494/2022

Date :05/05/2022

CSK 11/05/2022