



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12854 of 2022

VENKATESAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
ERIYUR POLICE STATION,  
DHARMAPURI DISTRICT  
CRIME NO.3 OF 2022

[ RESPONDENT ]

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent/Police for the offence punishable under Sections 174 of Criminal Procedure Code, altered into Section 306 of Indian Penal Code in Crime No.03 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the father of the deceased and petitioner herein is the husband of the deceased. The deceased and the petitioner got married 2½ years prior to the date of alleged occurrence and they got one female child aged about 1½ years and they are all living in their matrimonial home at Ajjanahalli village. It is alleged in the complaint that the family of the petitioner herein stated to the de facto complainant that the deceased has got tendency to commit suicide due to the petty quarrel between the couple and the same was not stated by the deceased to the de-facto complainant. The de-facto complainant helped the petitioner herein to start a fancy store in their village, for which, the entire expense was funded by the de-facto complainant. It is further alleged



that 15 days prior to the alleged occurrence, the petitioner and the deceased moved to the rented house on 02.01.2022. The petitioner and the deceased had quarrel with regard to their family dispute. Thereafter, the de facto complainant went to the residence of the petitioner herein and pacified them and that on 03.01.2022, the de facto complainant received a phone call and came to know that the deceased went inside the room and locked the door. Further, the de facto complainant rushed to the scene of occurrence and found that the body of the deceased was laid in the floor and the family of the petitioner herein stated that she committed suicide by hanging. Regarding the above said occurrence, the de-facto complainant namely Dhanakotti lodged a compliant before the respondent/Police on 03.01.2022 and the same was registered as "suspicious death" and the FIR was forwarded to the Revenue Divisional Officer for enquiry and based on the enquiry report, the respondent/Police now altered the offence from Section 174 of Cr.P.C to Section 306 of I.P.C and arrayed the petitioner herein as accused in this case. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is the sole accused and the deceased is none other than the wife of the petitioner, they got married on 12.09.2019 and out of their wedlock, they got a female child aged about 1½ years. Further, he submitted that the parents of the deceased gave money to set up a fancy store to the petitioner herein. There was a quarrel between the petitioner and the deceased on 02.01.2022, with regard to the things purchased by the petitioner's brothers, and unfortunately, on 03.01.2022, the deceased committed suicide by hanging herself. There was no instigation by the petitioner to commit suicide by the deceased. In fact, their 1½ years old child is under the custody and care of the petitioner herein. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner/husband of the deceased made a dowry demand and harassment, due to which, the deceased committed suicide and the same is also evident from the report of the Revenue Divisional Officer. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the F.I.R. shows that there was no allegation against the petitioner, with regard to the dowry harassment. Admittedly, there was a quarrel on 02.01.2022 between the petitioner and the deceased and on 03.01.2022, the deceased committed suicide by hanging herself.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsiff cum Judicial Magistrate Pennagaram, Dharmapuri District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
08/06/2022

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, PENNAGARAM,  
DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
ERİYUR POLICE STATION,  
DHARMAPURI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary  
charges SR.NO.8632

CRL OP.12854/2022

Date :08/06/2022

JPA 15/06/2022