



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/07/2022

WEB COPY

PRESENET

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.9715 of 2022

1.Dhuraisamy

2.Parvathi

3.Balasubramanian

...Petitioners/Accused Nos. 2 to 4

Vs.

The State of Tamil Nadu
rep. By its Inspector of Police,
Lalapettai Police Station,
Tiruchirapalli District.
(Crime No.109 of 2022)

...Respondent/Complainant

For Petitioners : Mr.K.Kevin Karan

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)

PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.C

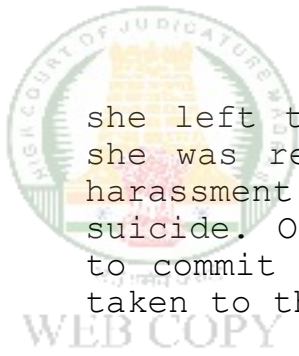
PRAYER:-

For Anticipatory Bail in Crime No.109 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 to A4 apprehending arrest at the hands of the respondent police for the offence punishable under section 304-B IPC r/w 4 of the Dowry Prohibition Act, in Crime No.109 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that it is a matrimonial dispute between the husband and wife. The de-facto complainant is the father. His daughter namely Manimekalai was married to A1, 1-1/2 years prior to the date of the occurrence. They had no child. Over that issue, the accused picked up quarrel with his wife suspecting her conduct. Later, he pressed for divorce. They made a compromise. Later, all the accused persons joined together harassed her and ill treated and assaulted her. Even though, it was not brought to him,



she left the matrimonial home and went away. She was secured and she was restored to the matrimonial home. Later also, there was harassment. She³ was also stated that she is going to commit suicide. On 06/03/2022 Manimegalai went to a forest area and tried to commit suicide by pouring kerosene, she fired herself. She was taken to the hospital and from her statement was recorded.

3. So on that basis, the case was registered for the offence under section 498(A) IPC @ 174(3) Cr.P.C. Since she died in the hospital on 10/04/2022, the case was altered to 304-B IPC r/w section 4 of the Dowry Prohibition Act 1961.

4. Seeking anticipatory bail, the accused 2 to 4 have preferred this petition.

5. According to the petitioners, because of the non procreation of the child, they were taking treatment and for taking rest only, she went to the parents home. Over that issue only, she committed suicide. She was hospitalized for about a month. But during that period, no implication was made against the petitioners. The first petitioner is the husband of the deceased and he was arrested and remanded to judicial custody. The case was under the investigation, which before alteration, that was granted. What happened subsequent to that alteration is not clear on record.

6. The learned counsel appearing for the petitioners would submit that absolutely, the petitioners are not involved in the above said issue.

7. The dying declaration of the deceased is available on record. In the dying declaration, she has stated that after the marriage, they were living together for about three months. Because of difference of opinion, suspecting her fidelity, A1 used to assault her frequently. So she left the matrimonial home 10 days prior to the date of occurrence and when she was staying in the parental home, A1 contacted her over phone, criminally intimidated to commit suicide. Because of the above said scolding, abetment, she tried to commit suicide by self immolation.

8. The learned counsel appearing for the petitioners would heavily rely upon this piece of dying declaration to show that there was dispute between the husband and wife regarding the non procreation of child. For which, the petitioner are no-way involved. It is seen that it is a love marriage between A1 and the deceased.

9. Perusal of the CD file shows that originally the deceased was proposed to be married to one Balakumar, who is the brother of A1, but later A1 and the deceased developed intimacy and the marriage was performed by the parents of A1, in which the parents of the deceased alone participated. But later, they compromised and became



10.It is also seen that the deceased was under depression. Enquiry was undertaken by the Revenue Divisional Officer and has concluded that the death occurred only due to the demand of dowry. So based upon that only, the case has been altered. But the dying declaration of the deceased is quite against the finding that has been recorded by the Revenue Divisional Officer. When there was love marriage between the deceased and A1 and the marriage was performed in the absence of parents of the deceased, then how, there was a demand of dowry by his parents, is a matter for investigation and trial.

11.So in the light of the facts and circumstances of this case and in the light of the dying declaration of the deceased, the petitioners are entitled for anticipatory bail with certain conditions.

12.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Kulithalai and n 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 Judicial Magistrate concerned and the petitioners shall appear before the respondent police, daily at 10.00 a.m, until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

sd/-
11/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 JUDICIAL MAGISTRATE NO.I,
KULITHALAI



- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
LALAPETTAI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.KEVIN KARAN, Advocate (SR-6900[I] dated 12/07/2022)

ORDER

IN

CRL OP(MD) No.9715 of 2022

Date :11/07/2022

PKP/SVR/SAR-1/19.07.2022/4P/6C