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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 12/08/2022

PRESENT

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

Cr1.OP(MD)Nos.14320 and 11861 of 2022

(1)Cr1.OP(MD)No.14320 of 2022:-

Arunkumar : Petitioner/Accused Rank Not
Known

Vs.

State rep. By
The Inspector of Police,
Theni Police Station,
Theni.

(In Crime No.177 of 2022) : Respondent/Complainant

For Petitioner : Mr.A.Vadivel

For Respondent : Mr.Thanga Aravindh.B

PETITION FOR BIAL under Sec.439 of Cr.P.C.C

PRAYER:-

C-38B.For Bail in Crime No.117 of 2022 on the file of the
Respondent Police.



(2) Cr1.OP(MD) No.11861 of 2022:-

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1.Mahalakshmi
2.Packiyam @ Packialakshmi
3.Manikandan : Petitioners/Accused Rank
Not known

Vs.

The State rep. By
The Inspector of Police,
City Crime Branch,
Theni.
(In Crime No.177 of 2022) : Respondent/Complainant

For Petitioners : Mr.V.Selvakumar

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

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

PRAYER:-

C-38AB.For Anticipatory Bail in Crime No.177 of 2022 on
the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-



The petitioner in Crl.OP(MD)No.14320 of 2022, who is arrayed as A1 was arrested, on 30/05/2022 and remanded to judicial custody for the offence under section 174(3) Cr.P.C @ 304(B) IPC, in Crime No.177 of 2022 seeks bail, whereas the petitioners in Crl.OP(MD)No.11861 of 2022, who are arrayed as accused persons, apprehending arrest at the hands of the respondent police for the offence punishable under section 174(3) Cr.P.C @ 304(B) IPC, in Crime No.177 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the deceased Rampriya. She lodged a complaint stating that the deceased Rampriya was married to A1 namely Arunkumar some two years back. It was a love marriage between them. After marriage, she was living in Devathanapatti along with her husband. There was frequent trouble in the family, because of the trouble made by the mother-in-law, father-in-law and sister-in-law. So they shifted the residence to Theni Sivaram Nagar and in that place, the sister-in-law was also residing in the opposite house and A1 namely Arunkumar used to pick up quarrel in a drunken mood. She was also ill-treated by her husband at the instance of



his father and mother and sister. On 07/05/2022, the deceased Rampriya closed the door, when her sister-in-law was sitting in the opposite house. On that issue, A1 assaulted the deceased and that was also continued. On 08/05/2022 also, she was severely assaulted and over that, the deceased fired herself. On coming to know the occurrence, the de-facto complainant visited the hospital. Subsequently, a case in Crime No.117 of 2022 for the offence under section 174(3) Cr.P.C was registered. During the course of investigation the involvement of this petitioner and others came to light, on that ground the offence was altered to 304(B) IPC.

3.The first accused was arrested and remanded to judicial custody, on 30/05/2022. Seeking bail, he filed Cr1.OP(MD)No.14320 of 2022. The sister of A1 and others filed Cr1.OP(MD)No.11861 of 2022 seeking anticipatory bail.

4.Heard both sides.

5.It is seen that there was love affair between the deceased and A1. They got married to each other and living happily for sometime.



6. According to the prosecution, trouble arose between them at the instance of the in laws. On the particular day of occurrence, only on the petty act since the deceased suddenly closed the door, when the sister in law was sitting in the opposite house. How that was taken as damage to her reputation by A1 is not known. Over that simple issue, it appears that A1 assaulted the deceased. Dejected over the same, she attempted to commit suicide by firing herself. She was taken to the hospital and during the course of treatment, statement was also recorded, wherein it has been stated by her to the effect that after the marriage, A1 insisted her to bring jewels and after the demand only, his conduct changed and he used to pick up quarrel and also assaulted in a drunken mood. But the de-facto complainant has not given any indication in the FIR itself that there was trouble between the husband and wife over the demand of jewels etc., Now whatever it may be, the petitioner/A1 is in custody for more than 67 days. Perusal of the records shows that major portion of the investigation is also over.



7.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this court is inclined to enlarge the petition on bail with certain conditions. Accordingly, the petitioner/A1 is ordered to be released on bail on his 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, Theni and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

8.In so far the petitioners in Crl.OP(MD)No.11861 of 2022 are concerned, as mentioned earlier, bald allegation has been made against the in laws, as if they are the root cause for the trouble made by A1. There is no specific allegation of demand of jewels and abetment of suicide has been made against these petitioners. It appears that dejected over the treatment made out by A1, she has committed suicide.



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9. Considering the role, that has been alleged against the petitioners, 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, Theni 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 Judicial Magistrate 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. 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 petitions for anticipatory bail stands dismissed.

(G I J)
12.08.2022

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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.



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Cr1.OP (MD) Nos.14320 and 11861 of 2022

12/08/2022



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