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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Dated: 23/08/2022

PRESENT

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

Crl.OP(MD)No.14756 of 2022

Sivakumarasamy @ Durai ...Petitioner/Accused No.1

Vs.

State through
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
(Crime No.480 of 2021) ...Respondent/Complainant

For Petitioner : Mr.K.Prabhu,Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Criminal side)

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

PRAYER:-

For Anticipatory Bail in Crime No.480 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offence punishable under section 174(3) Cr.P.C @ 306 IPC, in Crime No.480 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the father of the deceased Siva Ramya. The deceased Siva Ramya was married to A1, on 25/04/2021 as per the religious customs. At the time of marriage, she was provided with sufficient seervarisai, jewels, household articles, etc. At the time of marriage, A1 was undergoing final year Engineering. After the marriage, the above said Siva Ramya became pregnant and later, aborted. Whenever, he visits the house of Siva Ramya, the mother of A1 stated that they belong to Jamin family and Siva Ramya was not provided with

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sufficient jewels, etc. By comparing with others, she wa ng torture. On 01/09/2021, as usual, he went to the house of Siva Ramya. At that time, she told that all the accused persons demanded money and the same must be arranged by him and she was also crying. He consoled her and returned to the house. On 26/09/2021, at about 11.00 am, he was informed that Siva Ramya committed suicide. He went immediately to the hospital and found that she was taken to the mortuary. Based upon the above said complaint given by the de-facto complainant, the case was initially registered under section 173(4) Cr.P.C. During the course of investigation, finding that there was demand of dowry and harassment on the part of the accused persons, the offence was altered to 306 IPC. Alteration report was also filed before the concerned court.

3.During pendency of the investigation, RDO enquiry was conducted and in the RDO enquiry, it has been found that not only the accused persons, but also even the de-facto complainant family did not treat the deceased Siva Ramya properly and she was driven between two houses. One house was not accepting to her family, that is the matrimonial home. According to the suicide note, that has been written by the above said Siva Ramya, it is seen that there was continuous ill-treatment and harassment at the hands of the accused persons stating that she is not suitable for their life and family, as if they belong to Jamin family and she has been selected without proper care. This torture continued for some time and when that was intimated to her father, who is the de-facto complainant herein, he also did not take proper care, but advised the deceased to adjust the matrimonial home.

4.Reading of the RDO report shows, as mentioned earlier, she was got between two extreme houses. There was no reception, advise and care at the hands of the paternal side. On the matrimonial side also, she was not taken proper care and treated properly. She was driven to the extreme step of committing suicide.

5.This is the background of the above said unfortunate death of young girl, who was married just one year prior to the date of the occurrence.

6.Reading of the RDO report gives an impression that she was not properly treated. In the circumstances even though the RDO has found that there is no basis for the allegation that there was demand of dowry at the matrimonial side, but there was continuous harassment.

7.Pointing out this finding of the RDO, it is contended on the side of the petitioner to the effect that absolutely, there is no evidence or materials has been collected to show that there was demand of dowry. The RDO report support their case.

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8.Now whatever it may be, as mentioned earlier, cir ce clearly shows that the deceased was driven to the extreme step of taking suicide course. So the only point to be decided is whether A1 along with other accused persons created circumstance, which drove the deceased to commit suicide and the only point to be decided during the course of investigation and trial also.

9.When there is sufficient circumstance available against the petitioner, he is not entitled for anticipatory bail. He has to undergo the custodial interrogation at the hands of the respondent police, so that the actual cause of the death will come to light and the role that has been played by the accused persons will also come into light.

10.So, this is not a fittest case to exercise the power under section 438 Cr.P.C in favour of the petitioner. Accordingly, this criminal original petition is **dismissed.**

sd/-
23/08/2022

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/09/2022

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

TO

1 THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PRABHU.K Advocate SR.No.39774(F)

ORDER
IN
CRL OP(MD) No.14756 of 2022
Date :23/08/2022

ER
PKP/SBN/SAR-1/14.09.2022/3P/4C

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