



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 05/01/2022

WEB COPY

PRESENT

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

Crl.OP(MD)No.18731 of 2021

1. Valliammal
2. Kadarkarai
3. Minnaljothi

...Petitioners/Accused No.1,2 & 3

Vs.

State Rep. by,
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.293 of 2021)

...Respondent/Complainant

For Petitioners : M/s.R.Anand, Advocate for
M/s.P.Samuel Gunasingh, Advocate
For Respondent : M/s.SS.Madhavan,
Government Advocate(Criminal side)

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

PRAYER :-

For Anticipatory Bail in Crime No.293 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 to A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 306 IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.293 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The petitioners are facing the charges for the offences punishable under sections 294(b), 306 IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the State.

4. It is a case of suicide. Reading of the FIR shows that the deceased was working as a sanitary worker in the Arulputhur village Panchayat Board. A1 namely Valliammal was elected as President of the said Panchayat.

5. According to the prosecution, right from the inception of the first petitioner as 'Panchayat President', the deceased was treated as 'insubordinate worker'. The parents of the de-facto complainant have also been abused by the son of A1 namely the 2nd petitioner/A2 herein. The PF amount, which was due to the deceased was also not properly settled. When the amount was demanded, the parents of the de-facto complainant was about to be assaulted by A2. They also demanded Rs.10,000/- for settling the PF amount. When that was refused, she was also criminally intimidated and also threatened that they will burn the service records. So because of the above said humiliation and ill-treatment, the deceased committed suicide by consuming poison.

6. Reading of the FIR shows that there is a continuous trouble between the petitioners and the deceased.

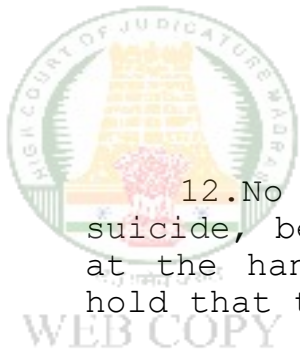
7. Now the learned counsel appearing for the petitioners would submit that there was no ill-treatment and if there is any humiliation and ill treatment, the same would have been brought to the notice of the concerned officials, but that was not done. According to the learned counsel appearing for the petitioners, it is a factually mistaken complaint.

8. The entire CD file has been called for and produced.

9. The activities of A1 has also been brought to the notice of the Arulputhur Nadamai by the deceased. The copy of the complaint is also enclosed in the CD file. According to the prosecution, the above said complaint was found in the pocket of the deceased, when he was taken to the hospital. This fact is disputed by the learned counsel appearing for the petitioners.

10. The learned counsel appearing for the petitioners would submit that it is totally unbelievable that there was a continuous trouble between the petitioners and the deceased.

11. Whether the continuous trouble and harassment, drove the deceased to commit suicide, is the only issue and that can be found out during the course of investigation and trial.



12.No doubt, it is very unfortunate that the deceased committed suicide, because of the alleged ill-treatment that has been met out at the hands of the petitioners. But whether it is sufficient to hold that they induced the deceased to commit suicide, is doubtful.

13.Considering the above facts and circumstances of this case, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions.

14.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Rajapalayam 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 Magistrate concerned and on further condition that the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.293 of 2021 and on further condition that the petitioners shall appear before the respondent police daily at 10.00 am until further orders. The petitioners shall comply with the conditions 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 petition for anticipatory bail will stand dismissed.

Sd/-
05/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.IV)
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,
RAJAPALAYAM.
2. -DO- THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.SAMUEL GUNASINGH, Advocate SR-125

ORDER
IN
CRL OP (MD) No.18731 of 2021
Date :05/01/2022

SP/JC/SAR IV/20/01/2022/4P/6C