



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 04/01/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.19195 of 2021

1.Muneeshwari

2.Sundar @ Sundaramoorthy : Petitioners/Accused No.1 and 2

Vs.

The State rep. By
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.225 of 2021)

: Respondent/Complainant

For Petitioners : Mr.R.Pon Karthikeyan, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. side)

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

PRAYER :- For Anticipatory Bail in Crime No.225 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A) and 506(i) IPC @ 306 IPC, in Crime No.225 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant namely Sabeena has lodged a complaint stating that she was in love with one Palpandian and later, converted into Muslim religion. The marriage was performed on 01/05/2021 in Murugan Temple at K.Vellakulam and they lived together and working in a textile company at Tirupur. The first petitioner/A1, who is the mother-in-law of the de-facto complainant, scolded her in filthy language and demanded dowry. The de-facto complainant was also ill-treated by the 2nd accused namely the 2nd petitioner herein. So the de-facto complainant decided to commit suicide and poured kerosene and set



herself ablaze. She was taken to the hospital, where her statement was recorded. In this regard, a case was registered for the offences under sections 294(b), 498(A) and 506(i) IPC.

3. Seeking anticipatory bail, the petitioners, who have been arrayed as A1 and A2 are before this court by way of filing this petition. After filing this petition, the case was altered into 306 IPC, since the de-facto complainant succumbed to burn injuries.

4. The entire CD file is also called for and perused.

5. The learned counsel appearing for the petitioners would submit that except the bald allegation that has been made against these petitioners, no other overt-act alleging that these petitioners abetted the deceased to commit suicide has been made.

6. The case of the petitioners is that right from the beginning, they are not willing for the performance of the marriage and without their knowledge, the marriage was performed and knowing about the situation, they have invited them to the village. When they are living in the village, frequent quarrel took place between them. Only out of the matrimonial issue, the deceased committed suicide and these petitioners are no way involved.

7. There is a specific allegation in the FIR to the effect that on the date of the occurrence on 30/10/2021 at about 6.00 hours, the 1st petitioner/A1 scolded the deceased in filthy language and also asked her to commit suicide. Only because of the above said scolding, the deceased poured kerosene and set herself fire.

8. The RDO report has revealed that there is no ill-treatment and demanding of dowry. Because of the frequent quarrel and scolding by the A1, the first petitioner herein, the deceased appears to have set her on fire. Whether the 1st petitioner/A1 has created circumstances driving the deceased to commit suicide, is a matter for investigation.

9. In so far as the 2nd petitioner/A2 is concerned, no specific averment has been attributed against the 2nd petitioner/A2 and he only supported the activities of A1.

10. Here, it is a case of frequent quarrel, took place between the husband and wife and due to it, the deceased committed suicide. From the reading of FIR and case diary, only the 1st petitioner/A1 abused the deceased frequently. As mentioned earlier, whether this was sufficient to drive the deceased to commit suicide, is a matter for investigation.

11. Considering the nature of the offence and the alleged role that has been played by the 1st petitioner/A1, this court is not inclined to grant anticipatory bail to the 1st petitioner/A1 and



accordingly, this petition is dismissed as against the 1st petitioner/A1. In respect of the 2nd petitioner/A2, this petition is allowed and he is enlarged on anticipatory bail with certain conditions.

12. Accordingly, the 2nd petitioner/A2 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thirumangalam and 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 Magistrate concerned and on further condition that the 2nd petitioner/A2 shall appear before the respondent police daily at 10.00 am until further orders. The 2nd petitioner/A2 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The 2nd petitioner/A2 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/-

04/01/2022

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

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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-75[I] dated 05/01/2022)

ORDER IN

CRL OP(MD) No.19195 of 2021

Date :04/01/2022

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MS/JM/SAR-1/11.01.2022/3P.6C

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