



Crl.O.P.No.13049 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Arumugam

2. Gunasekaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

(Crime No.79 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.79 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.04.2023, in connection with Crime No.79 of 2023, registered under Section 174 Cr.P.C and later, altered for the alleged offences punishable under Section 306 of IPC, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Poonkodi, is that her daughter/victim was given in marriage to one Gunasekaran/A2 on 01.06.2013 and initially, they were living happily and out of their wedlock they have got two children. Whereas, after few years, there were frequent quarrels between the victim and A2 and also, the accused have harassed her by demanding more dowry and further, A1 had sexually abused her. While so, on 21.04.2023, the deceased victim had called the *de-facto* complainant and informed that the first accused had sexually abused her and A2 had not bothered to question his father (A1) and assaulted the victim. Whereas on the very next day, on 22.04.2023, the second accused had informed her that the deceased victim had administered poison to her



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children and she had committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.79 of 2023 came to be registered under Section 174 of Cr.P.C. Later, during the course of investigation, the case has been altered to one under Section 306 of IPC. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the marriage between the second petitioner/A2 and the deceased victim was solemnised on 01.06.2013 and they have got two children. He further submitted that since the second petitioner had questioned the deceased/victim about her behavioural change, she had committed suicide by hanging after administering poison to her children. He also submitted that though the de-facto complainant had alleged that there was a telephonic conversation between the deceased/victim and herself, no material evidence has been produced by the prosecution to show that the deceased/victim had informed about the misbehaviour of her father-in-law/A1 and also no suicide note has been left by the deceased/victim . He further submitted that the petitioners have not abetted the victim to commit



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suicide, whereas, the de-facto complainant has lodged a false complaint as against the petitioners. He further submitted that major part of the investigation is over and the petitioners are in custody from 23.04.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners (A1 & A2) are respectively the father-in-law and the husband of the deceased/victim. He further submitted that the marriage between the second petitioner and the victim was solemnised during the year of 2013 and they have got two children. He also submitted that the first petitioner had misbehaved with the deceased/victim and when the victim had informed it to the second petitioner, he did not take any action against his father. Thereby, the victim had administered poison to her two children and she had also committed suicide by hanging. He further submitted that the investigation in this case is pending, hence, he vehemently opposed for grant of bail to the petitioners.



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5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 District Munsif cum Judicial Magistrate, Uthangarai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

13.06.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthangarai.
2. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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