



Crl.O.P.No.20941 of 2023

Reserved on	:	13.09.2023
Pronounced on	:	26.09.2023

G. CHANDRASEKHARAN, J.

This Criminal Original Petition is filed to order the petitioner to be enlarged on bail in Crime No.213 of 2023 on the file of the Inspector of Police, M-5, Vadavalli Police Station, Coimbatore & District.

2. It is the submission of the learned counsel for the petitioner that, the first information report in Crime No.213 of 2023 was originally registered under Section 174 Cr.P.C for the death of husband and wife. Subsequently, the case was altered under Sections 306 IPC. He further submitted that, petitioner has been falsely implicated as 2nd accused in this case. He is no way responsible for the commission of suicide by the deceased. He had neither advanced any loan amount to the deceased nor threatened them, for repayment of loan. However, respondent police has falsely implicated him as one of the accused along with 1st accused, who abused, threatened the deceased and drove them to commit suicide. Petitioner is in judicial custody from 23.07.2023.



3. Learned Additional Public Prosecutor submitted that, deceased are husband and wife. Defacto complainant is the father of the victim Lakshaya. Lakshaya got divorce from her first husband and married one Rajesh. They were living in Door No.187A, Vadavelli Vembu Avenue, Kurinji Nagar. When deceased Lakshaya's father tried to contact his daughter and his son-in-law on 21.07.2023, he could not reach them. Therefore, he visited their house at 6:00 p.m. and found that their house was locked. When enquired, the house owner informed that, they would have gone out. On 22.07.2023 at about 6:00 p.m. he was informed by the house owner that, foul smell was emanating from the locked house of the deceased. Then he visited the house and informed the police. Police had broken open the door and found that, his daughter and son-in-law along with their daughter and mother of her son-in-law were found dead. He further submitted that, during the course of investigation, it came to light that deceased Lakshaya borrowed money from 1st accused. 1st accused had sexual relationship with the deceased Lakshaya. On the promise of taking care of her, he said to have given money to her. Subsequently, 1st accused said to have claimed the money back from the deceased as loan amount and asked the deceased to pay the money immediately. When deceased husband and wife were not able to pay the money, this petitioner, who is the friend of 1st accused, along with the 1st accused had abused, threatened and mentally tortured the deceased to pay the money. With no chance of



paying the money, deceased have decided to commit suicide and accordingly, they committed suicide. He also produced the suicide note of the deceased to this Court.

3.1. The reading of the suicide note of the deceased Lakshya shows that, she borrowed money from the 1st accused namely Jayabharath, without the knowledge of her husband. Later, they had physical relationship many times. Despite the efforts taken by the deceased to avoid the 1st accused, he emotionally threatened her to talk. When her husband came to know this, he met the 1st accused in-person and promised him to pay the money back and not to have any truck with his wife Lakshaya. Despite that, 1st accused along with the petitioner, threatened the deceased, harassed her and abused her character and hurt her by worst and wrong words. The accused had not even given two days time for repayment. They sarcastically criticized and made continuous calls to the landline of the deceased and called her husband to meet them and took his bike, despite her husband falling on their feet. 1st accused had physical relationship with the deceased Lakshaya and physically and mentally abused her many times. He gave her amount little by little, during the period of 8 months saying that, he was responsible to take care of deceased Lakshya. When accused claimed the money back, left with no money, deceased had no other option, except to commit suicide. Similar suicide note was left by deceased Rajesh. It stated that, both the accused had pressed him to pay the money in 2 days. They came to meet him at odd



hours and threatened him with their power and influence. Therefore, he was forced to commit suicide with his family. Therefore, learned Additional Public Prosecutor prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. From the materials produced in this case, especially the suicide note of both the deceased, it is seen that this petitioner has not given any loan to the deceased. However, he along with 1st accused, who had advanced loan to the deceased and had sexual relationship with the deceased Lakshaya, on the promise of maintaining her, paid money and later claimed the money as a loan. Petitioner, as a friend of the 1st accused had accompanied the first accused and joined him in threatening, abusing and mentally torturing the deceased, for non-payment of loan. The constant abuse and threat, led them to commit suicide.

4.2. It is not necessary that, one could explicitly abets one to commit suicide, but the acts and conduct of a person can also drive one to commit suicide. This is one such case. The accused in this case constantly abused, threatened, harassed the deceased to pay the money and drove them to end their life. Money given as



maintenance by the 1st accused to the deceased Lakshaya for having sexual relationship, was later claimed as loan amount. The investigation in this case is not completed. Therefore, this Court is not inclined to grant bail to the petitioner.

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5. Accordingly, this Criminal Original Petition is dismissed.

26.09.2023

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