



Crl.OP.Nos.22884 & 22198 of 2023

Crl.O.P.Nos.22884 & 22198 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A3 in Crl.O.P.No.22884 of 2023 seek bail in Crime No.460 of 2023 originally registered under Section 174 Cr.P.C and subsequently altered to Sections 498(A) and 304(B) of IPC and they had been taken into custody on 14.09.2023.

2.The petitioner/A2 in Crl.O.P.No.22198 of 2023 seeks anticipatory bail in Crime No.460 of 2023 originally registered under Section 174 Cr.P.C and subsequently altered to Sections 498(A) and 304(B) of IPC.

3.A1 is the son of A2 and A3. A1 had married the deceased. It was a registered marriage. Within 5 months of the marriage, the deceased had committed suicide. She was also pregnant at that particular point of time.

4.The learned counsel for the petitioner stated that the deceased had given two earlier complaints, copies of which have been obtained through Right to Information Act and contended that there had been no demand for dowry and it was only a complaint that A1 had not lived with her and had stated that he would come back to live with her after a period of one month.

5.But however, the procedure to be followed namely the enquiry by the RDO could not be completed, because the second accused/mother of A1/petitioner in Crl.O.P.No.22198 of 2023 had absconded and had not participated in any enquiry. This conduct has to be viewed as against the second accused.



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6.The learned counsel stated that A1 and A3 have been in custody for considerable period of time. But in that period, had only the second accused been participated during the enquiry before RDO then investigation could have been completed by this time.

7.Investigation had not even completed and it cannot be completed unless the second accused also surrender before the respondent. All the three accused have been shown as accused in the First Information Report and therefore, the consideration of one to the disadvantage or advantage of the other, would not be appropriate.

8.Let the second accused also surrender herself and thereafter, application for bail can be considered. Let her participate in the enquiry before the Revenue Divisional Officer. No such consideration can be granted to the second accused because she has absconded for a considerable period of time.

9.It is now for her to participate in the investigation purposes. At this stage, this Court is not inclined to grant bail to A1 and A3 and not inclined to grant anticipatory bail to A2.

10.Hence, both the Criminal Original Petitions are dismissed.

30.10.2023



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