



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.745 of 2023

D.Selva Sakkaravarthi

...Petitioner/Accused No.2

-vs-

State Rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(in Cr.No.246 of 2022)

...Respondent/Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent Police with respect to Cr.No.246 of 2022.

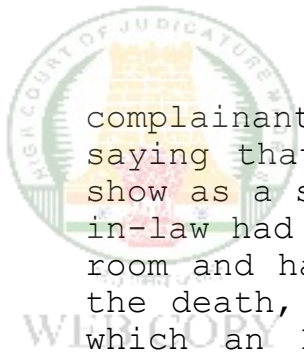
For Petitioner :Mr.V.Kathirvelu
Senior Counsel
for Mr.A.Senthil Kumar, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 306 of IPC in Crime No.246 of 2022 on the file of the respondent Police, seeks anticipatory bail.

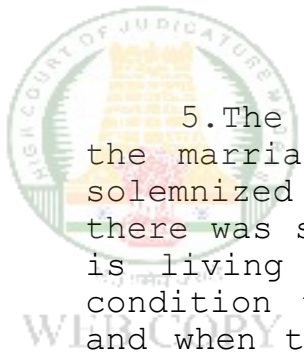
2.The case of the prosecution, as per the de-facto complainant, is that his daughter was given in marriage to one P.D.Senthil Kumaresan, on 03.05.2003 and they have also two children. At the time of marriage, he had given 20 sovereigns of jewels and other seervarisai as dowry. His son-in-law was working in abroad and there used to be some misunderstanding between his daughter and his son-in-law due to the intervention of his son-in-law's relatives. While so, the brother of his son-in-law, one Selva Chakravarthy used to come in/this an inebriated condition and he used to abuse the de-facto



complainant's daughter and the son-in-law used to threaten her saying that he would divorce or he would kill her and hang her to show as a suicide. While so, on 20.08.2021, the brother of his son-in-law had threatened his daughter due to which, she had gone to her room and had committed suicide by hanging and having suspicion over the death, the de-facto complainant had given a complaint. Based on which an FIR in Cr.No.246 of 2022 came to be registered under Section 174 Cr.P.C. Later, during the course of the investigation, based on the statements recorded, the case was altered into one as Section 306 of IPC by alteration report, dated 20.11.2022 on the ground that the de-facto complainant's son-in-law and his brother had threatened and abused his daughter due to which, she had committed suicide by hanging.

3.The learned Senior Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is the brother-in-law of the deceased Vanitha. He would further submit that the petitioner's brother out of his savings had deposited money in Sri Bhuavaneswari Jewellers under a chit in the name of his two children and his wife for a long time and that he had also entered into an agreement with one Anandham Real Estate for purchase of plots in the name of his two children, namely S.Mishal Ram and S.Heronimus Ram. While so, the de-facto complainant had withdrawn the money and had registered the plots in the name of his son, Vinoth Raj and due to which, there was a dispute between the petitioner's brother and the de-facto complainant and that the petitioner's wife committed suicide on 20.08.2022, whereas, in order to shift the blame on the petitioner's brother and the petitioner, the de-facto complainant has given a false complainant implicating them in the offence.

4.The learned Senior Counsel for the petitioner would also submit that the petitioner's brother was employed abroad on the date of occurrence and immediately on coming to know of the death of his wife, he had rushed back to India and he has attended the ceremony. Later, since there was a dispute, the de-facto complainant has given a further statement, as if there was harassment by the petitioner's brother and the petitioner, due to which, the victim had committed suicide. He would also submit that the documents enclosed along with this petition would show that the de-facto complainant, against the wishes of the victim, had registered the property in the name of his son, Vinoth Raj which triggered her to commit suicide. He would submit that the petitioner is ready to appear before the respondent for any kind of investigation and he is also ready to surrender his original passport before the Court concerned. The learned Senior Counsel would further submit that the petitioner's brother has filed anticipatory bail application in CrI.O.P(MD)No.22614 of 2022 and the same was allowed by this Court on 03.01.2023.



5.The learned Government Advocate (Crl.side) would submit that the marriage between the petitioner's brother and the victim was solemnized on 03.05.2003. He would further submit that thereafter, there was some misunderstanding between them and the petitioner, who is living in the same village, who had always in an inebriated condition threatened the victim and abused her in filthy language and when the victim had intimated the same to her husband, who is the petitioner's brother, the petitioner's brother had also abused her resulting in the victim had committed suicide. He would object for grant of anticipatory bail.

6. After perusing the materials available on record including the F.I.R., and the chit receipts, sale agreement, dated 24.11.2011 and the sale deed, dated 17.08.2022 this Court has already granted anticipatory bail to the petitioner's brother in Crl.O.P(MD)No.22614 of 2022 on 03.01.2023. Taking into consideration the facts and submissions and in view of the abovesaid order dated 03.01.2023, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Pudukottai District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall deposit his original passport to the credit of crime number.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

sd/-
11/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
PUDUKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.745 of 2023
Date :11/01/2023

PKP/MMS/SAR-3/24.01.2023/4P/5C