



CRL OP(MD) No.12533 of 2023

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

Dated: 13/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN
CrI.OP(MD)No.12533 of 2023

Kannaki

: Petitioner/ Accused rank Not known

Vs.

The State,
Rep. by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.83 of 2023)

: Respondent/ Complainant

For Petitioners : Mr.K.Vigneshkumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.83 of 2023 on the file of the
Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as an accused apprehends arrest at the hands of
the respondent police for the offence punishable under section 174(3) Cr.P.C @ 306
IPC, in Crime No.83 of 2023 on the file of the respondent police, seeks anticipatory
bail.



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2.The case of the prosecution is that the de-facto complainant is the mother of the deceased. The deceased namely Ishwarya was married to one Durai Murugan, on 29/10/2020. At that time, the son-in-law of the de-facto complainant was working in abroad. After the marriage, within six months, he went to abroad. The deceased was in the matrimonial home along with in-laws. As usual torture was made by the mother-in-law. It was also supported by the other in-laws. When that was informed to the husband, the deceased was taken to the parental home and left with the de-facto complainant's family for about one year. When the son-in-law returned to India, she was taken to the matrimonial home. But ill-treatment and torture continued by the mother-in-law. They were not allowing the husband and wife to spend private times. Because of the above said trouble, a separate house was arranged and they were living. Since, no child was born to them, again, trouble was made by the mother-in-law. Because of the above said issue, the husband was also did not take care properly, used to pick up quarrel with the deceased. On 21/06/2023 at about 12.00 am, she committed suicide by hanging. Suspecting the involvement of this petitioner, a case in Crime No.83 of 2023 was registered.

3.Seeking anticipatory bail, this petitioner, who is the mother-in-law of the deceased is before this court.

<https://www.mhc.tn.gov.in/judis>



4.The entire CD file has been called for and perused.

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5.Even though, the allegation of torture and harassment has been made against this petitioner, reading of the CD file shows that after the above said issue between the mother-in-law and the deceased, a separate house was arranged, where they were living. Because of non procreation of the child, trouble exists between the husband and wife and in-laws. On that occasion, the above said suicide has been made.

6.Apart from that, it is also seen that the husband was scolding the deceased for not attending the petitioner, while she was admitted in the hospital. RDO report also shows that the death did not occur due to dowry harassment. The petitioner also appeared before this court with broken bandage hand. It is seen that because of the above said non procreation of the child and scolding of the deceased for the above said non procreation, the suicide said to have been committed.

7.Whether this petitioner drove the deceased to commit suicide is the only point, which arises for consideration during the course of investigation. It is further seen that investigation is almost completed.



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8.Considering the fact that on the date of the alleged occurrence, the husband and wife were living separately and the torture and the alleged harassment made by the petitioner was remote and not soon before the death, is a matter for consideration by the trial court.

9.Considering the above facts and circumstances of the case and also considering the fact that the petitioner is a lady and she is also suffering from leg fracture, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Karaikudi and on her 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
13/07/2023

/ TRUE COPY /

/ 07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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1.THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VIGNESH KUMAR.K Advocate SR.No.10658

ORDER
IN
CRL OP(MD) No.12533 of 2023
Date :13/07/2023

RK /DD (19/07/2023) 5P / 6C

Madurai Bench of Madras High Court,
Madurai is issuing certified copies in this
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