



Crl.OP(MD)No.12888 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Dated: 18/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

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Suresh

: Petitioner/ Accused Rank not known

Vs.

State Rep.by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.121 of 2023

: Respondent/ Complainant

For Petitioner : M/s.J.Balameenakshi, 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.121 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 offences punishable under sections 306 and 309 IPC, in Crime No.121 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 lodged a complaint stating that there was matrimonial issue herself and her husband and her husband was met with an accident and was in the house. At that time, one Suresh helping the family. This created doubt in the mind of the husband. So, she left the matrimonial home and went away. The husband lodged a complaint on 05/06/2023 stating that she is missing. She was staying near Malappagoundanpatti. The police apprehended her and brought to the police station. On 21/06/2023, the husband and other relatives attended the enquiry. That was compromised between them. So, she went to her matrimonial home, T.Pudupatti. On 24/06/2023, again trouble arose between them. She was insulted and humiliated as if she is having affair with the above said Suresh. On 24/06/2023 at about 11.00 am, she said to have on fire by pouring kerosene. She was admitted in the hospital and in the hospital, the above said statement was recorded. On the intimation given by the police, the Judicial Magistrate No.1, Dindigul recorded the statement. She has disclosed the issue between them. She has implicated the husband and sister-in-law Jeyakshmi and others for the above said humiliation and torture.

3.During the course of investigation, the involvement of A1 and A2 came to light and alteration report was also filed. The above said Jeeva died, on 06/07/2023 in the hospital stating that all the accused persons abetted the commission of the



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4. Seeking anticipatory bail, A1 namely Suresh filed this petition on the ground that even though the allegation that has been made by the deceased in the dying declaration, no implication has been made against him.

5. Per contra, the learned Additional Public Prosecutor would submit that this petitioner also responsible for the above said suicide.

6. Perusal of the CD file shows that two statements have been given by the deceased. She has stated that her husband and others were responsible for the above suicide attempt. But later also, she has given statement that the above said statement is not correct and only because of the attitude of this petitioner and one Advocate, she attempted to commit suicide. The second statement has stated that in pursuance of the complaint given by her husband, she was apprehended and taken to the police station, so also Suresh, who is the petitioner herein. At the time of enquiry, this petitioner alleged to have been stated that he has to take care of his family. So, she was sent to her matrimonial home. Because of the above said attitude of this petitioner only, the above said attempt was made.

7. During her separate living, she arranged one Advocate namely Devaraj for getting legal divorce from her husband, but later, she developed intimacy with the above said Devaraj also. Even the parents of the deceased were not willing to take



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her. Because of the same, she was taken to the matrimonial home by her husband and thereafter only the alleged suicide has been committed.

8.Considering the above said facts and circumstances of the case and also taking into account the conduct of the deceased, 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 his appearance before the learned Judicial Magistrate, Athoor and on his 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/-
18/07/2023

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

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To

1 THE JUDICIAL MAGISTRATE,
ATHOOR.

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-10878[I] dated 18/07/2023)

ORDER
IN
CRL OP(MD) No.12888 of 2023
Date :18/07/2023

RS/VR/SAR-(26.07.2023) 5P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023