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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 23/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)Nos.14479 and 14757 of 2023

(1)Crl.OP(MD)No.14479 of 2023:-

Rajeshwari : Petitioner/First Accused

Vs.

The State,
Rep. by the Inspector of Police,
Vaiyampatty Police Station,
Manapparai Talk,
Trichirappalli District. : Respondent/Complainant

For Petitioners : Mr.S.Vishnuvardhan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.M.Jegadeesh Pandian

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

PRAYER:- For Anticipatory Bail in Crime No.365 of
2023 on the file of the Respondent Police.



(2) Cr1.OP(MD)No.14757 of 2023:-

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1.Raju

2.Sarasu

3.Chinnaraja

4.Rajaram

: Petitioners/A3 to A6

Vs.

The State,

Rep. by the Inspector of Police,

Vaiyampatty Police Station,

Manapparai Talk,

Trichirappalli District. : Respondent/Complainant

For Petitioners : Mr.S.Vishnuvardhan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.M.Jegadeesh Pandian

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

PRAYER:- For Anticipatory Bail in Crime No.365 of
2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 306 IPC, in Crime No.365 of 2023 on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that his second son namely Vadivel married to one Rajeshwari. Because of the marriage, they had three children. Right from the marriage, for about two years, Vadivel and Rajeswari were happy. But later Rajeshwari developed some sort of extra marital affair with one Senthil. Because of the above, frequent trouble arose between two family members. Because of the above said, his son namely Vadivel was in mental depression. On 29/03/2023, when Senthil came to their house for distributing invitation, Rajeswari was found talking with him. When it was seen by Vadivel, he warned both of them. Over which, a complaint and counter complaint given by both of them. That was enquired in CSR No.549 of 2023 and the police advised them to settle the issue between themselves. After that, Rajeshwari did not look after the family properly. But instead of that, she went to her parental home. On 05/08/2023 at about 10 am, he went to see her. At that time, she abused, scolded, insulted Vadivel and also incited him to commit suicide by taking poison. Because of that issue only, he committed suicide by consuming pesticides. Even after seeing the husband consumed pesticides, Rajeshwari went



away from that place without taking any care. On the basis of the above said occurrence, a case in Crime No.365 of 2023 was registered for the offences under sections 294(b) and 306 IPC.

3. Seeking anticipatory bail, Rajeshwari and her in-laws filed these petitions. The intervenor has also filed petition.

4. The learned counsel appearing for the petitioners would submit that the modesty of Rajeshwari was insulted by Vadivel and because of that only, there was trouble between them; even on the date of the occurrence, Senthil came to their house for distributing the invitation. In respect of the above, suspicion arose in the mind of the deceased. So according to him, it is his own suspicious mind, which caused the death, for which Rajeshwari cannot be held responsible. Absolutely, there is no incite or abetment of suicide by this petitioner namely Rajeshwari.

5. But the learned counsel appearing for the Intervenor would submit that the conduct of Rajeshwari is a deciding factor in respect of not taking proper care. When



Vadivel taking pesticides, Rajeshwari went away from that place. So this will show that she was responsible for the above said suicide.

6.The learned Additional Public Prosecutor would submit that the conduct of the petitioner namely Rajeshwari must also be taken into account.

7.Considering the conduct of Rajeshwari, she is not entitled for anticipatory bail, since she must be subjected to custodial interrogation to bring out the truth. Whether the conduct on the part of Rajeshwari, in not taking proper care of the deceased at the time of the alleged occurrence will amount to abatement of suicide can be a matter for consideration during the course of investigation. So, she must be subjected to custodial interrogation to bring out the truth as to what happened on the particular date.

8.So far as CrI.OP(MD)No.14757 of 2023 is concerned, these petitioners are no-way involved in the issue between the deceased and A1 namely Rajeshwari. In what way, they entered into the issue between the husband and



wife can be verified during the course of investigation.

As on date, it appears that no specific allegation has been made against these petitioners with regard to the above said abetment of suicide. So on the sole ground ground, CrI.OP(MD)No.14757 of 2023 is liable to be allowed.

9.Considering the facts and circumstances of the case, **CrI.OP(MD)No.14479 of 2023 filed by Rajeshwari is dismissed.** In so far as the petitioners, who are the in-laws, in **CrI.OP(MD)No.14757 of 2023**, even in the FIR, only limited allegation has been made against them as if they were not taking the issue in a proper manner, **they are entitled for anticipatory bail with certain conditions.**

10.In the result, CrI.OP(MD)No.14479 of 2023 is **dismissed.** CrI.OP(MD)No.14757 of 2023 is allowed with certain conditions. Accordingly, the petitioners in CrI.OP(MD)No.14757 of 2023 are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate, Manapparai** and on each of them 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 petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under [Section 438 Cr.P.C.](#) scrupulously.

Index:Yes/No

Internet:Yes/No
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23/08/2023

To,

- 1.The Inspector of Police,
Vaiyampatty Police Station,
Manapparai Taluk,
Trichirappalli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.OP(MD)Nos.14479 and 14757 of 2023

23/08/2023



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