



Crl.O.P.(MD)No.14918 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 24/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP (MD)No.14918 of 2023

1.Muthuchamy

2.Kavitha

: Petitioners/Accused

Rank Not Known

Vs.

State rep. by

The Inspector of Police,

Devakottai Town Police Station,

Sivagangai District.

(Crime No.171 of 2023)

: Respondent/Complainant

For Petitioners : Mr.Na.Palaniyandi

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.171 of 2022 on the file of the Respondent Police.

ORDER:-The Court made the following order:-

The petitioners, who are arrayed as accused persons apprehend arrest at the hands of the respondent police for the offence punishable under section 174 Cr.P.C @ 306 IPC, in Crime No.171 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's first daughter namely Priyadharshini was married to A1 namely Muthuchamy some 14 years prior to the occurrence. Muthuchamy is a Mason by profession. Two children born to them. He is is addicted to liquor. Because of that, frequent petty quarrel arose between them. On 16/07/2023, again quarrel arose between them. At about 02.00 pm, she was found committed suicide by hanging. That was informed by Yuvaraj the son of the deceased. They went to the place of occurrence and took the deceased to the hospital, where she declared to be dead. On the basis of the complaint given by the de-facto complainant, initially a case was registered under section 174 Cr.P.C, but later, it was altered to section 306 IPC.

3.Seeking anticipatory bail, this petition has been filed by these petitioners.

4.Heard both sides.

5.As noted above, A1 is the husband of the deceased. A2 is the sister of A1.



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6.The learned counsel appearing for the petitioners would submit that absolutely, there was no issue between the petitioners and the deceased. On a particular day, A1 went out side and later returned to house. Only at that time, he was informed about the suicide.

7.But perusal of the CD file shows that because of the drunken nature of A1, frequent trouble arisen between the husband and wife. Even at the time of committing the suicide by the deceased, A1 was very much available in the house. When the son of the deceased informed A1 about the attempt on the part of the deceased to commit suicide, he did not take any care. But on the contrary, he has alleged to have stated that only if the deceased dies, he will be happy. The son tried to save the deceased from hanging, but failed. So, the conduct on the part of A1 indicates that he has shown not even slightest care to save the deceased.

8.Further reading of the CD file reveals that when the son tried to save his mother, she fell down and sustained injury on the head region. She was taken to the hospital. After 3 days of treatment, she died. So this shows, as mentioned above, the conduct on the part of A1 that by his own conduct towards the wife, the above said



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death occurred. So, *prima facie*, it shows that A1 was the main reason or cause for the commission of suicide. So he is not entitled for the discretionary relief of anticipatory bail.

9. So far as A2 is concerned, she is the sister of A1 and after her marriage, she is living separately. Only in the further statement of the de-facto complainant, she has stated that this petitioner was the reason for the issue between the husband and wife.

10. Apart from this, it is also stated after the above said suicide, this petitioner removed the dress materials of the deceased and burnt the same. So this is the implication against A2. But nothing has been stated in the FIR about the involvement of A2. As mentioned above, she got married, living separately and no way involved in the issue between the husband and wife. Because of the drunken nature of A1, trouble has arisen between the husband and wife, for which, A2 cannot be held responsible.

11. So far as the screening of disappearance of evidence is concerned, it is a matter for investigation. For that purpose, the second petitioner/A2 is directed



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to appear before the respondent police daily at 10.30 am and cooperate with the completion of the process of investigation.

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12.It is further seen that on the particular day of occurrence, A1 seems to be assaulted the deceased with wooden log and pipes. Postmortem report indicates the injury on the thigh portion of the deceased. So, this also shows that the first petitioner/A1 was very much present in the place of occurrence and caused the assault.

13.In view of the facts, this criminal original petition is **dismissed** in respect of the first petitioner/A1. So far as the second petitioner is concerned, this court is inclined **to grant anticipatory bail** to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned **Judicial Magistrate, Devakottai, Sivagangai district** 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 second petitioner shall appear



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before the respondent police daily at 10.30 am until further orders. The petitioner second shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

Index:Yes/No
Internet:Yes/No
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24/08/2023

To,

- 1.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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