



CrI.OP(MD)No.18801 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/11/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.18801 of 2023

Rajeshwari

: Petitioner / Accused No.1

Vs.

The State Rep. by
the Inspector of Police,
Vaiyampatty Police Station,
Trichirappalli District.

: Respondent/Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.M.Jegadeesh Pandian, Advocate

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.



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ORDER: The Court made the following order:-

The petitioner, who are arrayed as A1 apprehend arrests 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, seeks anticipatory bail.

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 Rajeshwari 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, Rajeshwari 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.



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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, this petition is filed. The intervenor has also filed petition.

4. Heard both sides.

5. The earlier application was dismissed after elaborately considering the merits. The conduct of the petitioner on the date of alleged occurrence was considered is most unfortunate. Again, this petition has been filed on the very same ground without any change of circumstances.

6. The co-accused application was also dismissed by this court. He took up the matter to the Hon'ble Supreme Court. The Hon'ble Supreme Court also directed the co-accused to surrender before the police and seek regular bail. This petitioner is the prime accused. So the custodial interrogation is very much required to bring out the truth.

7. Repeatedly, it has been submitted by the learned counsel appearing for the petitioner that the complaint has been drafted by an Advocate and on the date of the



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alleged occurrence, this petitioner has not present in the place of occurrence; The de-facto complaint lodged this complaint on hearsay facts. But this cannot be reconsidered now. Those facts were already raised and decided by me. This is not a fittest case to exercise the power simply stating that the petitioner has got chance. The manner in which, the accused persons behaved prima facie indicate that they are involved in the suicide. More- particularly, as mentioned in the earlier order, this petitioner was very much available in the place of occurrence. Even without taking care of her husband, who was attacked, she went away from that place. So this conduct is totally improper and unfortunate also.

10.In the result, this criminal original petition is dismissed.

sd/-
02/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1.The Inspector of Police,
Vaiyampatti Police Station,
Tiruchirappalli District.



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.18801 of 2023
Date :02/11/2023

ED/DD/SAR- (05/12/2023) 5P / 3C

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