



Crl.O.P.(MD)No.19690 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 20.11.2024

Delivered on : 29.11.2024

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.O.P.(MD)No.19690 of 2024

V.Sasikumar

... Petitioner/ Accused

Vs

State, rep. by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.1039 of 2020)

... Respondent / Complainant

For Petitioner : Mr.P.T.Ramesh Raja, Advocate

For Respondent : Mr.P.kottai Chamy,
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.1039 of 2020 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174(3) Cr.P.C. altered into Sections 304(B) and 498(A) IPC, in Crime No.1039 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner harassed the defacto complainant's daughter by demanding dowry, due to which, the deceased committed suicide. Hence, the complaint.

3. It is not in dispute that originally, the case was registered for the offence under Section 174(3) Cr.P.C., that the petitioner has filed an application seeking anticipatory bail before the Principal Sessions Court, Thanjavur in Cr.M.P.No.169 of 2021 and the learned Principal Sessions Judge has granted anticipatory bail vide order dated 22.01.2021 and that the defacto complainant has moved this Court for cancellation of anticipatory bail in Crl.O.P.(MD)No.2615 of 2021 and this Court vide order dated 29.09.2021 cancelled the anticipatory bail granted to the petitioner with a liberty to move a fresh application for anticipatory bail either before this Court or before the Sessions Court.

4. It is also not in dispute that the petitioner's earlier two petitions for anticipatory bail in Crl.O.P.(MD)No.5584 of 2022 and Crl.O.P.(MD)No.7941 of 2022 came to be dismissed by this Court vide orders dated 01.04.2022 and 03.08.2022



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respectively.

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5. The petitioner's case is that his marriage with the deceased was solemnized on 11.06.2017, that they were blessed with a male child on 13.03.2018, that since the inception of marriage the deceased was not at all interested to lead the marriage life with the petitioner and she continuously created various problems against the petitioner and voluntarily left from matrimonial home several times, that on 11.12.2020, the deceased went to her parents' house along with their son to visit her parents but all of a sudden on 17.12.2020, the deceased's father Duraikannu called the petitioner and informed that the petitioner's wife committed suicide, that the deceased's father Duraikannu has lodged a false complaint and on that basis, FIR came to be registered and that the petitioner never created any problem against his wife and never demanded dowry, jewels and partition of property of the parents of the deceased.

6. The learned counsel appearing for the petitioner would submit that the petitioner had purchased jewels, scooter and car for his wife on her name and the petitioner produced all the proofs to substantiate the same, that the petitioner had taken care of his wife properly and since she was very much interested to proceed with her study, the petitioner had admitted her in Sankar IAS Academy by paying a sum of Rs.2,54,650/- in the year 2020 and that the deceased's parents do not have any



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valuable property at all and hence, the question of seeking partition does not arise.

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7. The learned counsel appearing for the petitioner would further submit that the petitioner's minor son Krishnan is now studying in UKG and the petitioner has taken care of him and that therefore the petitioner was constrained to file the above petition seeking anticipatory bail.

8. The learned counsel appearing for the petitioner would further contend that the respondent police has already completed the investigation and filed the final report and due to the material change in circumstances, the petitioner is entitled to get the relief claimed.

9. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the Revenue Divisional Officer, after completing the enquiry, has submitted a report, wherein, he has come to a decision that dowry harassment was the reason for the suicide of the victim and directed the authorities to proceed against the petitioner under the Dowry Harassment Act and that in pursuance of the same, the case was altered into for the offences under Sections 304 (B) and 498(A) IPC.

10. The learned Government Advocate (Criminal Side) appearing for the respondent would further submit that the respondent has already completed the investigation and final report came to be filed before the jurisdictional Court.



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11. No doubt, the petitioner has produced the registration certificate for the two wheeler and car and receipts showing the purchase of jewellery. It is pertinent to note that when the petitioner has moved the earlier petition for anticipatory bail, he has produced the said documents and this Court, after taking note of the same, has rejected the relief for anticipatory bail.

12. As rightly pointed out by the learned Government Advocate (Criminal Side), according to the prosecution, the deceased had left the matrimonial home on 14.12.2020 and that after receiving phone call from the petitioner, she had committed suicide on 17.12.2020.

13. As rightly pointed out by the learned Government Advocate (Criminal Side), the defacto complainant has given a statement that on 17.12.2020, his daughter received phone call from the petitioner and the petitioner had directed her to get the property from her father or else he would marry some other woman, that his daughter was very much upset and she was crying and was informed that it would better to die and that when he went to nearby shop and his wife to market to get vegetables, his wife, after returning from the market, has found that their daughter had committed suicide.

14. Considering the seriousness and gravity of the offence alleged, filing of the charge sheet by itself cannot be taken as a material change in circumstances since the



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dismissal of the earlier petition and as such, this Court is not inclined to grant anticipatory bail to the petitioner.

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15. In the result, this Criminal Original Petition is dismissed.

sd/-
29/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-14776[I] dated 02/12/2024)

ORDER
IN
CRL OP(MD) No.19690 of 2024
Date :29/11/2024



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PSP/ VR /SAR /06.12.2024/ 7P/ 4C

Madurai Bench of Madras High Court is issuing certified
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