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Crl.OP.No.5144 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5144 of 2025

Dhivakaran

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Avinasi Police Station, Tiruppur District
(Crime No. 503/2014)

Respondent(s)

For Petitioner(s):

Mr.C.Karthik

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 306 and 498 A of IPC, in Crime No.503 of 2014, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution as per the defacto complainant is that the petitioner's wife (defacto complainant's daughter) committed suicide on 25.11.2011 on account of harassment caused by the petitioner due to dowry demand. Hence the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that an RDO enquiry was conducted and there is a report on 26.11.2014 stating that the death was not due to dowry demand or harassment of the petitioner; but due to misunderstanding between the petitioner and his wife; and hence FIR in Crime No.503 of 2014 was closed; that the defacto complainant filed a protest petition in Crl.MP.No.263 of 2021 before the II Judicial Magistrate Court, Avinashi, Tiruppur District and the same was dismissed; and thereafter the defacto complainant preferred Crl.RC.No.1349 of 2024 which was allowed by this Court on 18.10.2014; that pursuant to the said order, the investigation is being conducted and hence apprehends arrest and prayed for anticipatory bail.



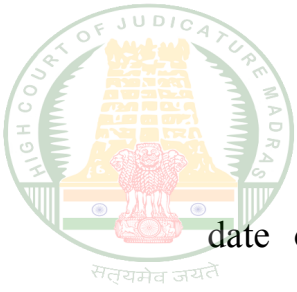
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4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirms the aforesaid facts and also submitted that RDO observed that the petitioner was not the cause for suicide and also observed that the victim had committed suicide because she could not bear a child.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the fact that the occurrence took place in the year 2014, the report of the RDO and the investigation is sought to be re-opened pursuant to the order of this Court, this court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the



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date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Avinashi, Tiruppur District**, on condition that each petitioner shall execute a separate 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent police twice a week, i.e., on every Monday and Friday at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

26.02.2025

drl

To

1. The Inspector Of Police,
Avinasi Police Station,
Tiruppur District
2. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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