

Crl.OP No.4242 of 2016**K.KALYANASUNDARAM, J.**

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for alleged offence punishable under Section 174 Cr.P.C and subsequently altered into Section 305 IPC, in Crime No.445 of 2015 on the file of the respondent police and hence seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, Haripriya is 12 years old and she is studying 8th Std., in a private school at Erode. The accused fell in love with the victim and also, promised her to marry. Since he refused to marry, the victim committed suicide by jumping in front of a running train on 21.12.2015.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that only on imagination, a complaint was preferred against the petitioner and it is further submitted that though the occurrence had taken place on 21.12.2015, the victim died only on 25.12.2015, but the prosecution has not recorded any statement from the alleged victim.

4. Per contra, the learned Government Advocate (Crl.side) would submit that originally, the case was registered by the Railway Police and thereafter, it was transferred to the respondent police based on the statement from one Revathi, who is relative of the deceased and the charge was altered into 305 IPC. He further submitted that evidence collected so far would reveal that the accused had given false promise to marry the victim and since he refused to marry, she committed suicide.

5. The learned counsel appearing for the intervenor would vehemently contend that the deceased belongs to Scheduled Caste Community and the accused's friend is working in the police department. The case was not properly investigated by the respondent police and therefore, the defacto complainant filed a petition for transfer of the investigation and since the accused has committed grievous offence, he is not entitled for any indulgence of this Court.

5. Considering the above facts and circumstances of the case and also considering the gravity of offences, this court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sms

30.03.2016

K.KALYANASUNDARAM, J.

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