



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11216 of 2016

1 SHANMUGAM

2 P. GANESAN @ MUTHUKAMATCHI ... PETITIONERS / ACCUSED NO.2&3

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

S.S.COLONY P.S.

IN CRIME NUMBER 518/2016

MADURAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.JOSEPH JEYAKUMAR Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

For Intervener : MR.S.NATESHRAAJA, Advocate

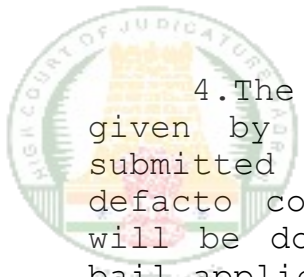
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.2 & 3, who were arrested and remanded to judicial custody on 07.05.2016 for the alleged offences punishable under Sections 307 of IPC r/w 120(b) of IPC and Section 4 of TNPHW Act @ 302 of IPC r/w 120(b) of IPC and Section 4 of TNPHW Act, in Crime No.518 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that A1 and the deceased are husband and wife. Due to misunderstanding between them, both were living separately. On 03.05.2016, the petitioners along with A1 came to the residence of the deceased and threw Chilly powder and poured petrol and set her on fire. The deceased was taken to the hospital and she gave a statement and complaint and subsequently, she died on the same day at 20.30 hours.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. A1 filed F.C.O.P.No.2088 of 2014 on the file of the Family Court, Chennai for Restitution of Conjugal Rights and the deceased filed H.M.O.P.No.406 of 2014 on the file of the Family Court, Madurai for Divorce. Due to matrimonial dispute, the deceased has given a false complaint against the petitioners.



4.The intervenor reiterated the averments made in the complaint given by his daughter. The learned counsel for the intervenor submitted that the brother of A1 one Baskaran threatened the defacto complainant to withdraw the complaint, failing which, he will be done to death and therefore, prayed for dismissal of the bail application.

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5.The learned Government Advocate (Crl.side) submitted that A1 suspected the character of the deceased engaged A2 & A3 and in his presence, accused persons threw chilli powder on the face of the deceased and poured petrol and set her on fire. The deceased was admitted in the hospital and she gave a statement and subsequently, she died. The petitioners along with A1 threatened the deceased that they would kill her, if she fails to come to live with A1. Investigation is pending. If the petitioners are enlarged on bail, they will tamper the witnesses and hamper the investigation.

6.Considering the serious nature of allegations against the petitioners and gravity of offence, this court is not inclined to grant bail to the petitioners. Hence, this petition is dismissed.

sd/-
19/07/2016

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

AM
TO

- 1 THE INSPECTOR OF POLICE, S.S.COLONY P.S. MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

GJM/SKS/RR/SAR-II-26.7.16-2P-4C

ORDER
IN
CRL OP(MD) No.11216 of 2016
Date :19/07/2016