



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12129 of 2016

K.MOHAN DAS

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION,
MADURAI.
(IN CRIME NO.518/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.KADARKARAI Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

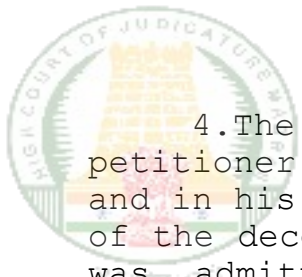
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 07.05.2016 for the alleged offences punishable under Sections 307, 120(B) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 altered into Section 302, 120(B) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.518 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are husband and wife. Due to misunderstanding between them, both are living separately. On 03.05.2016, the petitioner along with two other persons A2 and A3 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 petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner 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. The petitioner was not present in the place of occurrence on the day. Due to matrimonial dispute, the deceased has given a false complaint against the petitioner.



4.The learned Government Advocate (Crl.side) submitted that the petitioner 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 petitioner threatened the deceased that he would kill her, if she fails to come to live with him. Investigation is pending. If the petitioner is enlarged on bail, he will tamper the witnesses and hamper the investigation. The earlier petition for bail filed by the petitioner in Crl.O.P(MD)No.9678 of 2016 was dismissed by this Court vide order dated 20.06.2016 and there is no change of circumstances.

5.Considering the serious nature of allegations against the petitioner that due to family dispute, the petitioner with the help of A.2 and A.3 murdered the deceased and gravity of offence, this court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-

20/07/2016

/ TRUE COPY /

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

TO

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

2.THE OFFICER-IN-CHARGE
CENTRAL JAIL, MADURAI

3.THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION,
MADURAI.

+1. CC to M/S S.KADARKARAI Advocate SR.No.37868
RL/5C/2P/SKS/RR/SARI/25/7/2016

ORDER

IN

CRL OP(MD) No.12129 of 2016

Date :20/07/2016