



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.13652 of 2016

K.ANAND

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
EATHAMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.167 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

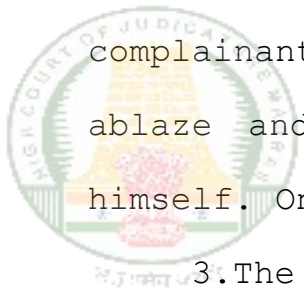
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 26.06.2016, for the alleged offences punishable under Sections 498(A), 309 @ 306 IPC and Sections 4 and 6 of Dowry Prohibition Act and Section 4 of TNPWH Act, in Crime No.167 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant/deceased. Both got married 9 years back. Two sons were born in the wedlock. The petitioner from the beginning of marriage used to quarrel with the defacto complainant/deceased demanding additional dowry and assaulted her. She obtained a loan for a sum of Rs.50,000/- for construction of the house wall on 26.06.2016. There was a dispute with regard to the repayment of the loan. Due to that the petitioner doused the defacto



complainant using kerosene and shouted her to die. She set herself ablaze and she was admitted in the hospital by the petitioner himself. On complaint, a case has been registered.

3. The case of the petitioner is that the petitioner and the defacto complainant were living happily and at no point of time, the petitioner demanded additional dowry. There was no serious quarrel among them and he is an innocent person and he has not committed any offence as alleged by the prosecution. Only at the instigation of the brother of the deceased, a false complaint has been filed.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner is the husband of the defacto complainant/deceased. Since the petitioner demanded additional dowry from the defacto complainant, dispute arose between them and at that time, the petitioner poured kerosene on the defacto complainant and shouted her to die herself. The defacto complainant set ablaze herself. In the dying declaration, she has given statement that due to the torture of her husband, she set herself fire. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 26.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a 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 learned Judicial Magistrate No.III,



Nagercoil.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
08/08/2016

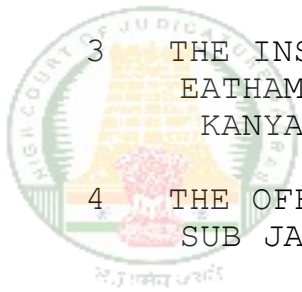
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL,
KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL



3 THE INSPECTOR OF POLICE
EATHAMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER IN-CHARGE
SUB JAIL, NAGERCOIL

5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.42530

PJL

JAM/08.08.2016/AAL-MPA/SARI/ 4P-7C

ORDER

IN

CRL OP (MD) No.13652 of 2016

Date :08/08/2016