



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1264 of 2018

PRABHAHARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE

SOUTH THAMARAIKULAM POLICE STATIN, NAGERCOIL,
(CRIME NO.35 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SUDALAIYANDI Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

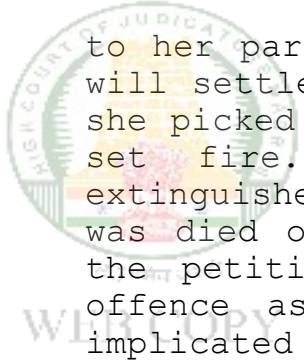
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323, 498A, 306 I.P.C., and Section 4 of TNP Harassment of Women Act, 2002 in Crime No. 35 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner. Due to the family dispute, on 04.02.2017 the defacto complainant went to her parent's house, at that time, the petitioner called her over phone to come back to his house. But the defacto complainant returned to home only on 05.02.2017, for which, the petitioner refused to allow her in his house and did not give the house key, used with filthy language and assaulted her. Thereby, the defacto complainant poured kerosene on her body and set fire by caused burn injury. Immediately, she was admitted in the hospital, but thereafter she was died.

3.The learned counsel appearing for the petitioner submitted that the petitioner herein and the defacto complainant are husband and wife. After marriage, the petitioner constructed a house, for that he has borrowed some money from his sister and parents of the defacto complainant. In these circumstances, he had repaid some amount to his sister. In this regard, the defacto complainant picked up wordy quarrel with the petitioner and went to her parents' house on 04.02.2017. But she returned only 05.02.2017 along with her relative one Kannan and demanded the petitioner to settle the money



to her parent's as immediately. But the petitioner replied that he will settle the amount after 6 months. Without satisfying the same, she picked up wordy quarrel and poured the kerosene on her body and set fire. Immediately, the petitioner and his mother were extinguished the fire and took her to the nearest hospital. But she was died on 15.02.2017 in the Hospital. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to the family dispute, the defacto complaint, who is the wife of the petitioner poured kerosene on her body and set fire. Immediately, she was admitted in the Hospital, but unfortunately, she was died on 15.12.2017 in the hospital. According to him, investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, due to the harassment made by this petitioner, his wife committed the suicide. Further the deceased herself lodged a complaint before the police, in which, she clearly narrated the allegations. So, considering the value of complaint given by the deceased and the submission made by the learned Government Advocate (Criminal Side) appearing for the respondent police is a matter for investigation. Hence, custodial interrogation of the petitioner is necessary for completing the investigation. Therefore, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
25/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE
SOUTH THAMARAikulam POLICE STATIN, NAGERCOIL.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.1264 of 2018
Date :25/01/2018