



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2198 of 2018

1 V. VALLI,
2 VELUCHAMY,

... PETITIONERS / ACCUSED (A2&A3)

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.543 OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.R.BABU JAGANATH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

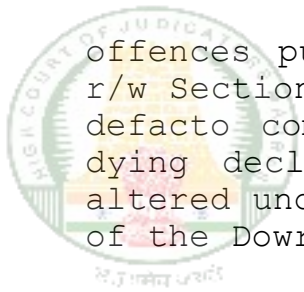
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 & 3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 498(A), 307 of IPC r/w Section 4 of the Dowry Prohibition Act, then altered into Sections 147, 294(b), 498(A), 302 of IPC r/w Section 4 of the Dowry Prohibition Act,, in Crime No.543 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused harassed the defacto complainant by demanding more dowry and the first accused put fire in the nighty of the defacto complainant by mentioning as she should die, thereby she sustained grievous injuries and admitted in the hospital. Hence the case has been registered against the accused.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The defacto complainant herself put fire in her nighty in order to threaten the first accused.

4.The learned Government Advocate (Criminal Side) would submit that initially, the case has been registered for the



offences punishable under sections 147, 294(b), 498(A), 307 of IPC r/w Section 4 of the Dowry Prohibition Act and thereafter, since the defacto complainant succumbed to the injury, on the basis of the dying declaration of the defacto complainant, the case has been altered under Sections 147, 294(b), 498(A), 302 of IPC r/w Section 4 of the Dowry Prohibition Act.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence the petitioners herein put the fire on the nighty of the deceased. As a result of which the injured was admitted in the hospital and even after giving necessary treatment, she died in the hospital itself. On dead-bed, she gave the dying declaration before the Judicial Magistrate No.II, Sivagangai, in which she clearly narrated that her father-in-law, mother-in-law, sister-in-law and her husband alone are responsible for the alleged offence herein. So, considering the validity of the dying declaration, we cannot go through this case as ordinary one. Thereby, according to the prosecution investigation is not completed.

6.Accordingly, considering the facts and circumstances of this case this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this criminal original petition is dismissed.

sd/-
13/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/RR/SAR-3-23.2.18-2P-3C

ORDER
IN
CRL OP(MD) No.2198 of 2018
Date :13/02/2018