



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.775 of 2018

SUJIN

... PETITIONER/1st ACCUSED

Vs

THE STATE OF TAMILNADU REP.BY,
THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT
(CRIME NO.224/17)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.MOHAMED HANEEF, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 498 (A) I.P.C r/w Section 4 of Tamil Nadu Women Harassment Act, 2002 @ 306 I.P.C., in Crime No.224 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 and the defacto complainant/deceased are the husband and wife. Due to the wordy quarrel arose between the petitioner and the deceased person, on 11.07.2017, when the deceased person requested the A1, for opening the door to go her parental house, the same was refused by the A1, thereby, the deceased person poured kerosene herself and set fire. Immediately, she was admitted in the hospital and a case was registered against the petitioner. Initially, the case has been registered for the offence under Section 498(A)I.P.C., r/w Section 4 of Tamil Nadu Women Harassment Act, 2002, subsequently, due to the death of the deceased person, the case was altered into Sections 498 (A)I.P.C., r/w Section 4 of Tamil Nadu Women Harassment Act, 2002 @



3. The learned counsel appearing for the petitioner submitted that the petitioner had cordial relationship with the de-facto complainant. He further submitted that the petitioner is an innocent person, he has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police, submitted that the petitioner is the husband of the deceased and investigation is not completed so far. Hence, he vehemently opposed to grant anticipatory bail in favour of the petitioner.

5. The submissions made by the learned counsel on either side are considered. It seems that the respondent police registered a case for the offences under Sections 498(A) I.P.C., r/w Section 4 of Tamil Nadu Women Harassment Act, 2002 @ 306 I.P.C. against the petitioner. The petitioner herein is the husband of the deceased. According to prosecution, as per the statement given by the deceased, the alleged occurrence was happened in the presence of the petitioner/A1. The petitioner being the husband of the deceased, if he is not having any intention for committing this offence, definitely he may try to save the life of the deceased, but this petitioner does not to do so. Accordingly, considering the gravity of offence committed by the petitioner, custodial interrogation of the petitioner is necessary for completing the investigation. According to the prosecution, investigation is not completed. So, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/01/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE, COLACHEL POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.A.MOHAMED HANEEF Advocate SR.No.1012

ORDER

IN

CRL OP(MD) No.775 of 2018

Date :18/01/2018