

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

Date : 18/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8249 of 2019

Pushparaj

... Petitioner/Sole Accused

Vs

State of Tamil Nadu rep.by,
The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
Crime No.127 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For anticipatory bail in cr.no.127 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294 and
323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of
Women Act, 2002, in Crime No.12 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 01.03.2019, the petitioner
suspected the deceased that she had illegal intimacy with another
man. Due to that reason, the petitioner abused the deceased with
filthy languages and compelled the deceased to end her life. The
deceased reacted to the situation and self-immolated by kerosene.
The petitioner prevented the deceased and however, she sustained
injury and she was taken to Government Hospital, Valliyoor and
thereafter, she was admitted to Asaripallam Government Hospital. The
respondent police received information from the hospital and

obtained the statement from the deceased and registered FIR in Cr.No.127 of 2019 for the alleged offence under Section 294, 323 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and on 02.03.2019, after her demise, altered the Sections into Sections 294 (b), 323 and 306 of IPC. He further submitted that the petitioner and the deceased are husband and wife. They have four children. The petitioner found more incoming calls in the deceased cell phone. Hence, he warned the deceased. But, she did not obey the words of the petitioner. He further submitted that the petitioner also sustained burn injury and he alone took the deceased to Government Hospital, and hence, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein gave continuous torture to the deceased and not to bear the said torture, she poured kerosene on her body and set fire herself. Hence, he strongly, opposed this petition.

5.Considering the aforesaid fact that the petitioner herein gave continuous torture to the deceased and also the fact that the petitioner induced the deceased to commit suicide, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this petition is dismissed.

sd/-

18/06/2019

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

TO

1.THE INSPECTOR OF POLICE
PANAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.10003

ORDER

IN

CRL OP(MD) No.8249 of 2019

Date :18/06/2019