



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

Wednesday, the Twenty Sixth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8896 of 2019

K.KARUPPASAMY

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.
(CRIME NO.230/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.VIKRAM Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 176 r/w Section 174 Cr.P.C and 304(i) of IPC in Crime No.230 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that postmortem report was not yet received. He further submitted that already A1 was granted bail by the Sessions Court and therefore, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State has submitted that the Accused No.1 separated from her husband and thereafter she is having affair with the petitioner herein and on the date of occurrence I.e., On 24.05.2019, when the first accused went to the shop, leaving her four years old female child with the petitioner herein, the petitioner herein kicked the child with legs and caused death. But both the accused persons have



buried the body without informing to the police. Hence, he strongly opposed this petition. He further submitted that already postmortem report is awaited.

5.As per the F.I.R, the first accused is having affair with the petitioner herein and on the date of occurrence I.e., on 24.05.2019, the first accused went to the shop, leaving her four years old female child with the petitioner herein and at that time the petitioner herein had kicked the said child with legs and caused death. So, the main allegations are only against the petitioner herein and therefore, the petitioner cannot claim parity with the first accused.

6.Taking into consideration the aforesaid facts and also the fact that the investigation is still pending and also taking note of the allegations that the petitioner herein already attempted to screen the evidence, this Court is of the view that the petitioner is not entitled to get bail at this stage. Hence, this petition is dismissed.

sd/-
26/06/2019

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.
- 2 THE OFFICER INCHARGE,
SUB JAIL, SANKARANKOVIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8896 of 2019
Date :26/06/2019

JM/JC/SAR 1/09.07.2019/2P/4C