



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

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11838 of 2019

Raja

.. Petitioner/Accused No.1

Vs

State Represented by the
Inspector of Police,
Kallal Police Station,
Sivagangai District.

(In Crime No.104 of 2019). ... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi,
Advocate.

For Respondent : Mrs.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

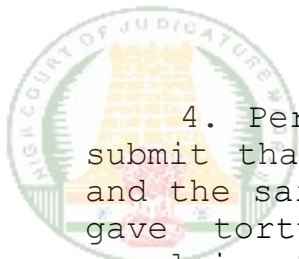
For Anticipatory Bail in Crime No.104 of 2019 on the file of the respondent.

ORDER : The Court Made the following order :-

The petitioner/accused no.1 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 306,341,506(ii) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the deceased were lovers and on knowing the said fact the mother of the deceased gave a complaint before the Sub Inspector of Police, Azhagapuram Police Station on 07.03.2019 and based on the said complaint the respondent police called the petitioner and warned him and hence the deceased committed suicide by consuming rat poison. He further submitted that the petitioner is not responsible for the suicide committed by the deceased. Therefore he prayed to grant anticipatory bail to the petitioner.



4. Per contra, the learned Government Advocate(Crl.Side) would submit that the petitioner has loved the victim girl one sidedly and the said love has not been accepted by the deceased and hence he gave torture to the deceased to love him. Hence the defacto complainant has lodged a complaint before the Sub Inspector of Police, Azhagapuram Police Station on 07.03.2019 and based on the said complaint the petitioner herein was called and warned and at that time the petitioner herein gave a letter on 15.03.2019 stating that on 15.03.2019 he will not give any torture to the deceased and based on the same, the said complaint was closed. She further submitted that if really the deceased was also loving the petitioner and the same was not accepted by the defacto complainant, the deceased would not have committed suicide immediately as soon as the defacto complainant has lodged the complaint against the petitioner i.e., on 07.03.2019 itself, but, the deceased committed suicide only on 31.05.2019. She further submitted that in the First Information Report the defacto complainant has categorically stated that the petitioner herein and his parents criminally intimidated her daughter and hence she committed suicide by consuming rat poison. Therefore she strongly opposed to grant anticipatory bail to the petitioner.

5. Admittedly on 07.03.2019 the defacto complainant has lodged a complaint before the Sub-Inspector of Police, Azhagapuram Police Station stating that the petitioner herein has given torture to her daughter(deceased) compelling her to love him and based on the said complaint the petitioner herein was called for enquiry and accordingly he appeared before the respondent police on 15.03.2019 and gave a letter stating that he will not give any torture to the deceased. If really the deceased also loved the petitioner and she is having grievance only against her mother as she is opposing the said love, she would have committed suicide On the date of first complaint itself but she committed suicide only on 31.05.2018. Further, in the First Information Report the defacto complainant has clearly stated that on 31.05.2019 the petitioner and his parents criminally intimidated her and hence the deceased consumed rat poison and committed suicide.

6. Taking into consideration of the aforesaid facts, this Court is of the view that the petitioner has not made out a case for getting anticipatory bail. Accordingly this petition is dismissed.

sd/-
28/08/2019

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



TO

1 THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate
(SR-14190[I] dated 28/08/2019)

ORDER

IN

CRL OP(MD) No.11838 of 2019

Date :28/08/2019

aav

ES/PN/SAR 2/12.09.2019/3P/4C