

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10908 of 2020

V.Yuvaraj

... Petitioner/Single Accused

Vs.

The Inspector of Police ,
H5 New Washermenpet Police Station,
Chennai District.

In Crime No. Not known of 2020 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event his arrest in Crime No. Not known of 2020, on the file of the respondent police - the Inspector of Police, H5, New Washermenpet Police Station, Chennai District.

For Petitioner : Mr.S.Venkatesan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 306, 294(b), 353, 354 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No. Not known of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Raju (House owner) is that the petitioner and the deceased one Saraswathi were staying as tenants in his up stairs. On 06.06.2020, the defaco complainant heard a hue and cry from the up stairs, when he had gone up stairs, he had seen the petitioner getting out with burn injuries in his hands and had gone upstairs he had seen that the victim Saraswathi being set ablaze. Based on the complainant given by the defacto complainant originally a case was registered in Crime No. 893 of 2020 for offence punishable under Section 307 of IPC. Later while, the victim was under treatment, a dying declaration was recorded from her wherein she had stated that the petitioner has poured kerosene on her and set her ablaze. The victim died after few days and thereafter, the case has been altered to under Section 302

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that on 06.06.2020, the victim has attempted to commit suicide and the petitioner had attempted to save her and in the occurrence he has also sustained severe burn injuries on his both hands and also on the entire scalp and she would submit that since the victim died after few days, a case of attempt to suicide has been altered to under Section 302 of IPC. She would further submit that the petitioner is still taking treatment in Kilpauk Medical College Hospital, Chennai.

4 The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose by stating that the petitioner and the victim were staying in the upstairs of the defacto complainant as tenants. On 06.06.2020 due to a quarrel, the petitioner has poured kerosine on the victim and set her ablaze and since, the victim got hold of him he also sustained injuries on his hand. He would submit that the dying declaration has been recorded from the victim wherein she has stated that the petitioner has poured kerosine on her and set her ablaze and further the petitioner has ran out of the house and it is also seen by the defacto complainant and immediately after the incident the petitioner has absconded from the scene of occurrence, which is a relevant fact that he is the person who has set fire to the victim. He would submit that the petitioner is admitted in the hospital, the respondents are unable to take him into custody and taking into consideration his present condition, they have not arrested the petitioner and once opinion is obtained from the doctors he will be arrested. He would submit that the custodial interrogation of the petitioner is very much essential in this case and he would vehemently oppose to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel, this Court is not inclined to grant anticipatory bail to the petitioner. Therefore, this Criminal Original Petition stands dismissed.

-sd/-

22/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

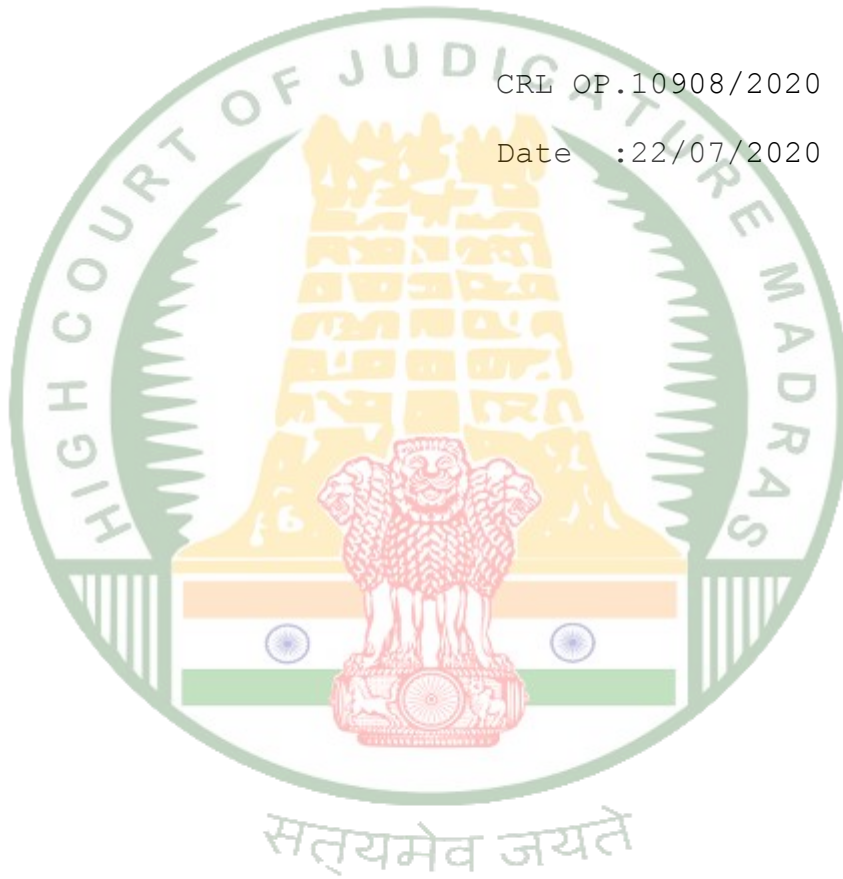
3 THE INSPECTOR OF POLICE,
H5, NEW WASHERMENPET POLICE STATION,
CHENNAI DISTRICT.

CC to M/S. S. VENKATESAN Advocate on payment of necessary
charges

CRL OP.10908/2020

Date :22/07/2020

cs 28/08/2020



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