

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12233 of 2020

M.Umar Basha

... Petitioner

Vs.

The State Rep. by

... Respondent

The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.
(Crime No.747 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest or surrender in Crime No.747 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Rajprabhu

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

ORDER

(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 Section 307 of IPC, in Crime No.747 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. There was a quarrel between between them and the petitioner use to grab money from her and that on 09.07.2020, the petitioner had came to the house in a drunken mood and quarrelled with the defacto complainant. Finally, he poured kerosene over her and immolated her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the case of matrimonial dispute has been exaggerated and false complaint has been given, as if the petitioner has poured the kerosene on the victim and set fire on her.

4.The learned Additional Public Prosecutor would vehemently opposed by stating that the petitioner in a drunken mood, had assaulted the defacto complainant and her children and when it was questioned by the defacto complainant, he had poured kerosene over her and set her ablaze. He would submit that the victim was admitted at Parvathy Hospital, Tiruppur and thereafter, she was admitted Malarvizhi Hospital for further treatment. The dying declaration has also recorded by the learned Judicial Magistrate, Tiruppur, wherein, she had stated that the petitioner has poured kerosene on her and set fire on her. Fortunately she has survived. He would further submit that due to Covid-19 situation, she had been discharged from the hospital and he also circulated photograph of the victim.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed. No costs.

-sd/-

31/08/2020

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.II,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR CITY.

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

CRL OP.12233/2020

Date :31/08/2020

TA-21/09/2020