

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

CrI.O.P.No.13996 of 2020

Dhulasingham

... Petitioner

-Vs-

The Inspector of Police,
Vanur Police Station,
Villupuram District.
(Crime No.1413 of 2020)

.... Respondent

Prayer: Criminal Original petition filed under Section 439 of Code of Criminal Procedure, to enlarge the petitioner/accused on bail in the event of his arrest or surrender in Crime No.1413 of 2020 on the file of the respondent.

For Petitioner : Mr.N.Mahendra Babu

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

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.08.2020, for the offences punishable under Sections 294(b), 307, 323, 326, 498(A) and 506(ii) IPC altered into Sections 302, 304(B), 498(A) IPC, in Crime No.1413 of 2020 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant Muthukumar is that his sister was given in marriage to the petitioner on 03.06.2020 and that on 05.08.2020, he received an information that his sister suffered burn injuries and on the same day, he went to his sister's house and admitted her in Villupuram Government Hospital and when he enquired her, she had informed that the petitioner herein had demanded dowry and poured kerosene over her and immolated her. Immediately case was registered under Sections 294(b), 307, 323, 326, 498(A), 506(ii) IPC and the victim succumbed to the injuries on 11.08.2020. Thereafter the case was altered to Sections 302, 304(B), 498(A) IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that this is a case of accident and at the time of admission, the victim has stated that it was accidental fire and only at the instigation of her relatives, a false complaint has been given.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the petitioner and the victim was married on 03.06.2020 and the petitioner demanded dowry and harassed the victim and since she did not contact her father, enraged by this, the petitioner had poured kerosene and set fire on her and he would submit that the dying declaration of the victim has been recorded and she had stated that she was set fire on account of the demand of further dowry and also submitted that the investigation is at preliminary stage. Therefore, he opposes for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the fact that the marriage between the petitioner and the victim was conducted on 03.06.2020 and that the death has happened within two months of marriage and that she has given the dying declaration and the RDO enquiry is pending and also this Court has very recently dismissed the application on 31.08.2020, within 4 days the second application has been filed, therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed with cost of Rs.1,000/- (Rupees One Thousand only) to be paid to the Chief Justice Relief Fund, High Court of Madras.

-sd/-

09/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
VANUR POLICE STATION, VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, TINDIVANAM

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

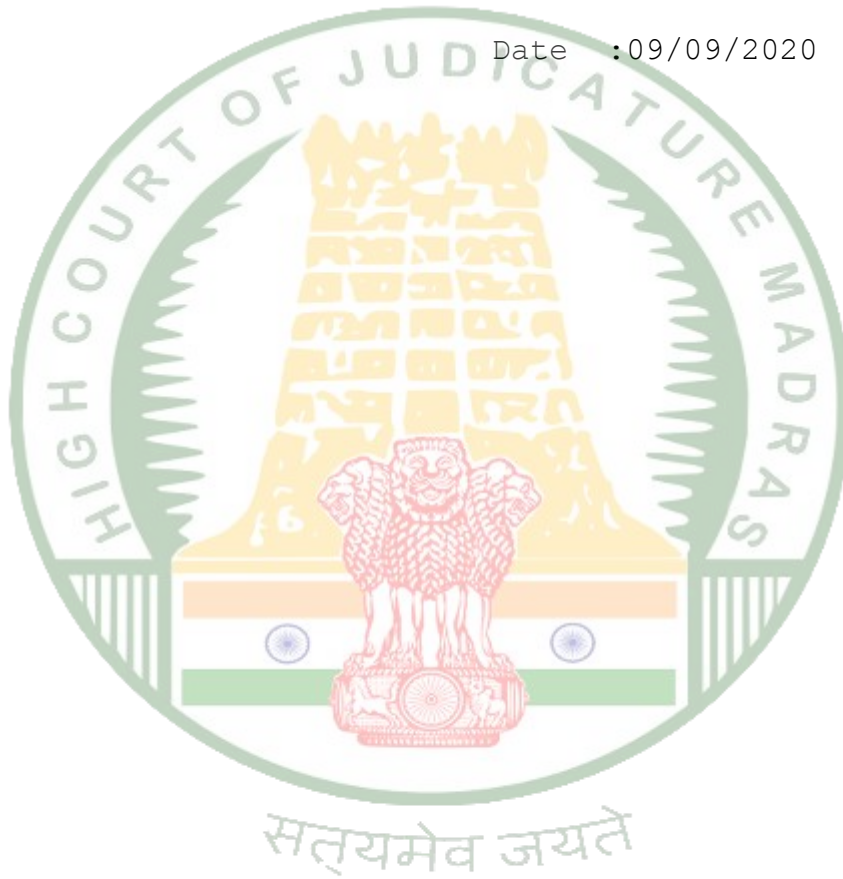
6 THE SECTION OFFICER,
ACCOUNT SECTION, CHIEF JUSTICE RELIEF FUND,
HIGH COURT OF MADRAS.

CC to M/S. N. MAHENDRA BABU Advocate on payment of necessary
charges

CRL OP.13996/2020

Date :09/09/2020

RVR 24/09/2020



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