



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10600 of 2020

K.Anandakumar

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No. 282 of 2019)

... Respondent/Complainant

For Petitioner : M/s.J.Selvam, Advocate.

For Respondent : Ms.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 282 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-1 apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of IC, in Crime No.282 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A-7 is wife of the brother of the defacto complainant had extra marital affair with the petitioner. In this regard, A7's husband had already preferred a complaint before the respondent police about the said affair. There was a quarrel between the family members of the petitioner and the deceased. On 27.10.2019 the defacto complainant and his family members wife of the petitioner's house and enquired about the same. When the family members of the petitioner assaulted all the family members of the deceased with crowbar and also threatened them. On 31.10.2019, all the accused persons abused A-7's husband and induced him to commit suicide by consuming poison. Thereafter, the deceased along with two children opened the gas cylinder and set ablaze and committed suicide. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that with regard to the dispute between the petitioner and the deceased family there was a complaint pending before the respondent police. He further submitted that the petitioner is no way connected with the occurrence since there was a dispute between the deceased and his wife with regard to the same, the deceased has committed suicide along with his two children by opening a gas cylinder set ablaze his two children and committed suicide. He further submitted that the defacto complainant and his family members one of the petitioner's house and also started a wordy quarrel on 27.10.2019. The petitioner or his family members never assaulted the deceased family members. Hence, he seeks bail.

5. Per Contra, the learned Government Advocate (criminal side) on instructions, submitted that, A-7 is wife of the deceased was had extra marital affair with the petitioner and as such the deceased questioned about the same. In this regard, on 31.10.2019, the defacto complainant and his family members along with deceased went to the house of the deceased and questioned about the same, petitioner's family members assaulted the deceased family members. They also again went to the deceased house and threatened them with dire consequences. Therefore, the deceased mentally humiliated and committed suicide by opening a gas cylinder set ablaze his two children and committed suicide and therefore, he prays for dismissal of the petition.

6. It is seen from the records that totally, there are seven accused in which the petitioner arrayed as A-1. Admittedly, the petitioner is having extra marital affair with the seventh accused who is none other than wife of the seventh accused and thereafter, they also went to the house of the deceased and threatened him with dire consequences. Due to humiliation, the deceased suffered mental agony and by opening a gas cylinder set ablaze his two children and committed suicide. There is a specific overt act against the petitioner and his family members and therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

07/10/2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10600 of 2020
Date :07/10/2020

KSA
TE/AKM/SAR-II : 02/11/2020 : 3P/3C