



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.12132 of 2020

1.Gandhimathi
2.Punitha

... Petitioners/Petitioners/
Accused No.2 and 3

Vs

The State rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
Crime No.515/2020.

... Respondent/Complainant

For Petitioners : Mr.D.Senthil,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 515 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 306 r/w 116 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in crime No.515 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that totally there are four accused, in which the petitioners herein are arrayed as A2 and A3. A2 had illegal intimacy with A1 and the same was questioned by the husband of the defacto complainant and he also took the cellphone of A2. Therefore, A2 and A3 went to the house of the defacto



complainant and abused her in filthy language and also induced her to commit suicide. Thereafter, the defacto complainant poured kerosine and set fire. Subsequently, she died. Dying declaration was also recorded. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners never induced the defacto complainant to commit suicide. Since the fourth accused had taken the cell phone, which was belonged to A2, they questioned about the same. The petitioners are nothing to do with the alleged case of the prosecution. He would further submit that A1 was arrested and released on bai.

5.The learned Government Advocate(Crl.Side) would submit that only on the instigation of the petitioners herein, the deceased poured kerosine and set fire. Dying declaration was also recorded and the petitioners herein have specific overt act and hence, he vehemently oppose to grant anticipatory bail to the petitioners.

6.It is seen that totally there are four accused, in which the petitioners herein are arrayed as A2 and A3. A2 had illegal intimacy with A1 and the same was questioned by the husband of the defacto complainant and he also took the cellphone of A2. Therefore, A2 and A3 went to the house of the defacto complainant and abused her in filthy language and also induced her to commit suicide. Thereafter, the defacto complainant poured kerosine and set fire. Subsequently, she died. Dying declaration was also recorded.

7.It is revealed from the dying declaration of the deceased that the petitioners herein only induce her to commit suicide. Hence, considering the specific overt act against the petitioners herein, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
02/11/2020

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/ /2020
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,
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12132 of 2020

Date : 02/11/2020

GNS

TK/PN/SAR.3/18.11.2020/3P/3C