



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

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PRESENT

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

CRL OP(MD). No.15333 of 2020

1. Vijay
2. Laxmi
3. Muthaiah

... Petitioners/Accused No.1,2,4

Vs

The State Rep. by
The Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.
Crime No.198 of 2020.

... Respondent/Complainant

For Petitioners : M/s.M.Ramu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

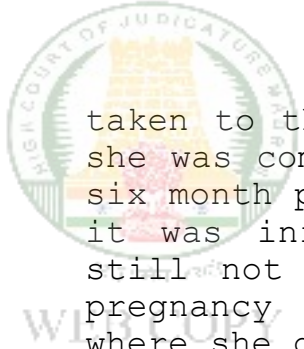
PRAYER :-

For Bail in Crime No.198 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 and A4 , who were arrested and remanded to judicial custody on 12.10.2020 for the offences punishable under Sections 312,313,314,506(i) of IPC on the respondent police seek bail.

2.The case of the prosecution is that the first accused fell in love with the deceased and they had physical relationship, due to which she became pregnant and it was noted by the defacto complainant namely the mother of the deceased and thereafter requested the first accused to marry the deceased, for which the first accused and other family members refused. Thereafter the deceased and her mother lodged a complaint before the All Women Police Station, Thirumayam. On the complaint given by the defacto complainant the first accused and the family members agreed to marry the deceased and got married and thereafter the deceased was



taken to the first accused house namely the matrimonial house and she was compelled and harassed by the accused persons to abort her six month pregnancy due to which she suffered internal injuries and it was informed to her mother. Since the first accused brother still not married, she was compelled to abort her six months pregnancy by the accused persons and sent back to her parents house where she got admitted in the hospital and unfortunately she died.

3. The learned counsel for the petitioners would submit that there are four accused in this case and the petitioners are arrayed as A1, A2 and A4. He would also submit that he is not pressing the application for the first accused. In so far as the A2 and A4 are concerned they are the parents of the first accused and they have nothing to do with the alleged offence and they were arrested and remanded to judicial custody 12.10.2020.. Even according to the case of prosecution the alleged abortion was held in the month of July and thereafter she was taken to her parents home and she was still there till the month of October 2020 and she died due to some other reason. Hence he sought for bail.

4. The learned Government Advocate (Crl. Side) would submit that this is the second bail petition and the earlier petition was dismissed by this Court by an detailed order dated 07.12.2020. He would further submit that there are totally four accused in this case and the petitioners herein are arrayed as A1, A2 and A4. The deceased got married the first accused and due to the non marriage of the first accused brother she was compelled to abort her sixth month pregnancy, due to which she fell ill and subsequently died in the month of October. Since they committed very serious offence as against the deceased the respondent police has registered case under Sections 312, 313, 314, 506(i) of IPC and the investigation is still pending. He would also submit

5. It is seen that there are totally four accused in this case and the petitioners herein are arrayed as A1, A2 and A4. The first accused fell in love with the deceased and thereafter had physical relationship and due to which she got pregnant and thereafter the first accused refused to marry her and as such the parents of the deceased lodged complaint before the All Women Police Station, Thirumayam and thereafter the first accused married the deceased. Though he married the deceased he compelled her to abort her six months pregnancy for the reason that his elder brother was not married. Due to which the deceased suffered internal injuries and her six months pregnancy was aborted which is not permissible under law. It is not possible to abort six months pregnancy, due to which she sustained grievous injuries and subsequently died on 12.10.2020. Therefore all the petitioners have committed a very serious offence.

6. Taking into consideration all the above facts and circumstances and also taking note of the fact that there is no change in facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners.



7. In the result, the petition stands dismissed.

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21/12/2020

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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 SUPERINTENDENT,
CENTRAL PRISON (WOMEN),
TRICHIRAPPALLI.
2. THE INSPECTOR OF POLICE,
ATHANAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.

ORDER
IN
CRL OP(MD) No.15333 of 2020
Date :21/12/2020

AAV
TE/SMA/SAR-IV : 23/12/2020 : 3P/5C