

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9816 of 2021

Saravanakumar

.. Petitioner/Accused No.1

/versus/

The State Represented by
Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.
(Crime No.118 of 2019)

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.118 of 2019 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner /A1, who was arrested and remanded to judicial custody on 06.05.2021 for the offence punishable under Section 174 (3) of Cr.P.C. @ 498(A) and 304(B) of IPC in Crime No.118 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.05.2019, the petitioner along with other accused persons poured poison into the mouth of the deceased and due to which she died. Initially, the case was registered for the offence under Section 174(3) of Cr.P.C., and thereafter, altered into Sections 498(A) and 304(B) of IPC.

3.The learned counsel appearing for the petitioner would submit that the case was altered only after two years from the date of the occurrence and the petitioner was arrested and remanded to the judicial custody on 06.05.2021. The other accused persons were granted anticipatory bail and due to covid-19 pandemic, the petitioner may be enlarged on bail.

4.The learned Government Advocate (crl.side) would submit that there are totally four accused in this case. The petitioner is arrayed as A1. The petitioner got married the deceased in the year 2015. Due to dowry harassment, the petitioner along with other accused persons have poured poison on the mouth of the deceased and due to which, she died. Though the case was registered under Section 174(3) Cr.P.C. Only after the Revenue Divisional Officer enquiry, the offences were altered from Section 174(3) Cr.P.C to Sections 498(A) and 304(B) of IPC. The petitioner is in abroad and he was arrested only on 06.05.2021. The investigation is still pending.

5.It is seen that there are totally four accused in this case. The petitioner is arrayed as A1. The petitioner got married the deceased in the year 2015. In the meantime, the petitioner demanded huge dowry and harassed the deceased. Finally, on 29.05.2019, the petitioner along with the other members abused the deceased in filthy language and poured poison on the mouth of the deceased. Due to which, she was taken to the hospital and died. Though the complaint contained a specific allegation as against the accused persons to attract the offence under Sections 498(A) and 304(B) of the IPC, the respondent police has registered the case only under Section 174(3) of Cr.P.C. Immediately, the Revenue Divisional Officer conducted enquiry and filed a report. Based on the report of the RDO, the respondent police failed to alter the offence immediately. Only in the year 2020, the respondent police has altered the offence under Sections 498(A) and 304(B) of IPC, when there is averment to attract the offence under Section 302 of IPC. The petitioner was arrested only on 06.05.2021 and the investigation is still pending. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,
SIRKAZHI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIKARANCHATHIRAM POLICE STATION,
MAYILADUTHURAI DISTRICT.

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

CRL OP.9816/2021

Date :09/06/2021

MK:15/06/2021



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