



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.3005 of 2021

WEB COPY

1. Pushpam
2. Mariappan

... Petitioners/Accused 1 & 2

Vs

The State rep by
The Sub Inspector of Police,
Chokkampatti Police Station,
Tenkasi District
Cr No. 281/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Kumar,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.281/2020 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offence punishable under Sections
294(b), 306 of IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act 1998 in Crime No.281 of 2020, seek
anticipatory bail.

2.The case of the prosecution is that the accused are residing
at near the house of the de-facto complainant. The de-facto
complainant's daughter, namely, Poomary @ Povammal married to one
Murugan. After marriage, there was some misunderstanding between
them. She was living with the de-facto complainant. Since the de-
faco complainant built a house four years back, the petitioners had
been fighting with him for the last four years. On 31.10.2020 at
about 07.00 a.m, when the de-facto complainant's daughter was taking
water, the accused scolded her by mentioning her caste name and also
questioned her conduct. Wounded by the scathing allegations made by
the petitioners and deeply hurt by the deceased poured kerosene on
her and set fire and later, she succumbed to injury. Hence, the
complaint.



3.The learned counsel for the petitioners submitted that the petitioners are no way responsible for the death of the deceased. They were falsely implicated in this case. He further submitted that mere uttering of words "go and die" will not amount to constitute an offence under Section 306 of IPC. Therefore, they seeks anticipatory bail.

4.The learned Government Advocate (Criminal side) strongly opposed this petition on the ground that the investigation is pending.

5.Taking note of the facts and circumstances of the case and also words used by the petitioners abusing the deceased by her caste name and that instigated the deceased to commit suicide, this Court is not inclined to grant anticipatory bail to the petitioners.

6.In the result, this petition is dismissed.

Sd/-
28/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 SUB INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3005 of 2021
Date : 28/04/2021