



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

Date : 15/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP (MD) No.4481 of 2021

WEB COPY

Selvaraj

... Petitioner/A2

Vs

The State rep by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District
Cr No. 1292/2020

... Respondent/Complainant

For Petitioner : Mr.Veera Kathiravan,
Senior Counsel
for M/s.Veera Associates,

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1292 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 174
Cr.P.C., altered into Sections 302 and 201 IPC in Crime No.1292 of
2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.06.2020, one male
dead body was found with half burn injuries at Edayankulam, without
any identification. After investigation, it was found that the
deceased was the husband of A1. A1 had illicit intimacy with the
petitioner herein and due to the same, A1 along with the petitioner
herein attacked the deceased and strangled him with towel and poured
petrol and set fire. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has been wrongly implicated
in this case. A1 was working in brick kiln owned by the petitioner
herein. A1 and her husband often entered into a quarrel and there is
no role to the petitioner in the alleged occurrence. Hence, he would
pray to grant anticipatory bail to the petitioner.



petitioner and A1 had illegal intimacy and the same was objected by the husband of A1. Hence, A1 with the help of the petitioner herein attacked the deceased and strangled with towel.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. It is seen from the submission that on 14.06.2020, an unidentified body was found. Later, on DNA test, it was identified that the deceased is the husband of A1 Muthumari. It is also came to light during the course of investigation that the petitioner had illicit intimacy with A1. Initially A1 was working in the brick kiln of the petitioner and after coming to know about the illicit intimacy of A1 with the petitioner, the husband of A1 prevented her to go work. However, the illicit relationship continued between them. On the date of occurrence, the deceased picked up quarrel with A1 under the influence of alcohol and subsequently, both the accused attacked the deceased and strangled him with towel. The specific allegation against the petitioner is that he took the body for disposal. Later, the body was found in burnt condition.

7. This is a case where only if the petitioner is apprehended and enquired, it will come to light how the body was found in burnt condition. Investigation in this case is not yet completed for the reason that the petitioner is absconding from the arrest. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
15/04/2021

/ TRUE COPY /

/ /2021
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
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VEERA ASSOICATES Advocate SR.No.3118

ORDER IN
CRL OP(MD) No.4481 of 2021
Date :15/04/2021