



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5082 of 2021

and

CRL MP(MD)No.4026 of 2021

R.Moorthy

... Petitioner/Accused No:3

Vs

State rep.by its,
The Inspector of Police,
Manamadurai Police Station,
Manamadurai, Sivagangai District.
Crime No.767 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Sankar, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

For Intervenor : Mr.S.Veeranasamy, Advocate

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

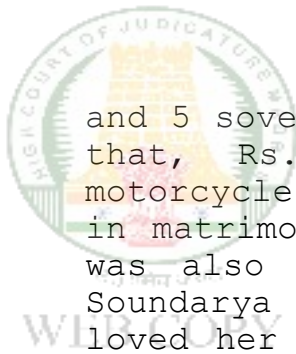
PRAYER :-

For Anticipatory Bail in Crime no.767 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 alleged offences punishable under Section 174(3) of Criminal Procedure Code, subsequently altered to, 306 of IPC in Crime No.767 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the deceased Kavitha made friends with the accused Moorthy, when she was studying in school. Both the families consented for marriage and their marriage was celebrated on 17.05.2019. At the time of marriage, the defacto complainant has given 25 sovereigns of gold jewels to her daughter



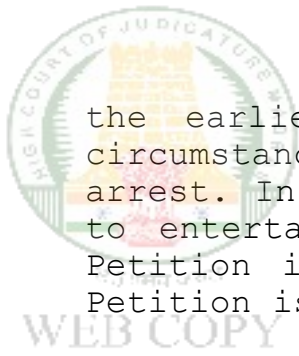
and 5 sovereigns of gold jewels to the accused Moorthy. Apart from that, Rs.5,00,000/- worth household articles and one Pulsar motorcycle were also given. After marriage, her daughter was living in matrimonial home in a joint family. Moorthy's sister Soundarya was also living with them. Moorthy's mother Indhra and sister Soundarya did not like the deceased, for the reason that, Moorthy loved her and married her. They also changed the mind of Moorthy and sent the deceased out of matrimonial home with direction to get dowry from her parents. On 13.02.2020, the deceased delivered a male child. In the Local Body Election, the defacto complainant and the deceased supported Radha Senthilkumar, while, the accused family supported one Bharathi Mohan, who contested against Radha Senthilkumar. This infuriated the accused and on 25.12.2020, at about 10.30 am, the defacto complainant came to know that the accused were fighting with her daughter. Hearing this, the defacto complainant visited the accused's house and found the accused Moorthy pouring petrol over the head of the deceased and then at the instigation of the other accused, he poured Kerosene over her. The other accused instigated him to set fire. The accused Moorthy had set fire and as a result, the defacto complainant's daughter suffered burnt injuries and died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He also submitted that the co-accused have been granted bail. Therefore, he seeks anticipatory bail to the petitioner.

4. The learned counsel for the intervenor strongly opposed this petition on the ground that the petitioner is working in the Police Department and therefore, the respondent Police is not showing any interest to arrest him and the petitioner is the one who is responsible for the death of the deceased. Therefore, he seeks dismissal of the petition.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that the petitioner is still absconding. He also produced a copy of dying declaration in support of his submission that the petitioner is responsible for the death of the deceased.

6. It is seen from the First Information Report that though the allegations made out a case for registering First Information Report under Section 302 IPC, originally, First Information Report was registered only under Section 174(3) of Criminal Procedure Code. The allegations against the accused in this case is that they sent the deceased out of the matrimonial home, demanding more dowry and for supporting a person, who was opposing their choice of candidate in the Local Body Election. Reading of the dying declaration shows that this petitioner was also responsible for the death of the deceased. Earlier anticipatory bail petition filed in Crl.OP(MD) No.753 of 2021 was dismissed on 29.01.2021. Since the dismissal of



the earlier anticipatory bail petition, there is no change of circumstance. Further, the petitioner is still absconding from arrest. In such facts and circumstances, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

sd/-
14/07/2021

/ 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,
MANAMADURAI POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5082 of 2021
Date :14/07/2021

MBI
RT/JC/SAR-I/16.07.2021/3P/3C