



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

Date : **26/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD).No.5905 of 2021

Prabhu

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
Crime No.182 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.182 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 20.03.2021 for the offence punishable under Sections 174(3) of Cr.P.C., altered into Section 306 of IPC in Crime No.182 of 2021 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that the petitioner is the husband of the deceased Bhuvaneshwari. They have three daughters. Later, the petitioner developed intimacy with one Mariammal and one Senthamarai, who are the Accused Nos.2 and 3 and the petitioner said to have abused and ill-treated the deceased. When the defacto complainant questioned the same, the petitioner told that unless she gives 30 sovereigns of gold jewels she would be driven out of the matrimonial home. At the instigation of the accused Nos.2 and 3, the petitioner said to have ill treated the deceased. The accused Nos.2 and 3 have also called the deceased



over phone and tortured her to leave her husband or die. Therefore, a complaint was given before Lalgudi Police Station. The Inspector of Police, Lalgudi Police Station, Trichy, enquired them and advised the petitioner to live happily with the deceased and not to ill treat her. Even thereafter, the petitioner continued ill treating her. Afterthat, the deceased committed suicide on 09.03.2021. Hence, the complaint.

4.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He further submitted that the accused Nos.2 and 3 are aged more than 50 years. There is no possibility of having illicit intimacy with the accused Nos.2 and 3. The petitioner is in custody from 20.03.2021 and therefore, he seeks bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the allegation against the petitioner is serious one and the petitioner was continuously harassing the deceased for the reason that the petitioner is having illicit intimacy with the accused Nos.2 and 3 and also he demanded dowry. He further submitted that the investigation is not completed. Therefore, he opposes this petition.

6.Considering the rival submissions of the learned Government Advocate (Criminal Side) that the allegations raised against the petitioner are serious in nature and that the petitioner is having illicit intimacy with the accused Nos.2 and 3, the petitioner was also harassing and ill treating the deceased physically and mentally, the accused Nos.2 and 3 are absconding and the investigation in this case is in preliminary stage, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

26/04/2021

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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 INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
TRICHY DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5905 of 2021

Date :26/04/2021

SM

MS/PN/SAR-2/11.05.2021/3P.4C