



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8878 of 2021

Rajaguru

... Petitioner/Sole Accused

Vs

State rep by
The Sub Inspector of Police,
Railway Track Police Station,
Srivilliputhur,
Virudhunagar Distrit.
Crime No. 32 of 2019.

... Respondent/Complainant

For Petitioner : Mr.Jothibas. M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2019 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 Cr.P.C., altered into Section 306 IPC in Crime No.32 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has two sons and he is working as Teacher in a private School. His elder son Baskaran studied Automobile Engineering and now studying in a coaching center for writing IAS exam at Chennai. His second son Thangaraj was studying third year Mechanical Engineering at Thiagarajar Engineering College. He had come home on 01.10.2019 for holidays. Thereafter, he had not talked to any one. On 05.10.2019, at about 05.00 pm., he left home informing his mother that he was going to buy earphone. Till 09.00 pm., he did not return to home. After search in the nearest place they found that he could not be



located. Hence, a complaint was given at 09.30 pm. On 06.10.2019, at about 07.00 am., his son was found dead in a railway track. He went there and found his son dead, hit by train. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that this petitioner had given sexual torture to the deceased. Originally case was registered under Section 174 Cr.P.C. After preliminary investigation, this case was altered into Section 306 IPC.

5.It is seen from the alteration report that on 02.09.2019 at about 02.00 am., the deceased, Thenmozhi, Kanimozhi had gone to the house of the petitioner herein, who is the uncle of the deceased. During night hours, the petitioner herein tried to have homo-sex with the deceased. That was the reason, the deceased committed suicide. In this regard, the learned Government Advocate(Crl.side) has also filed certain whatsapp messages alleged to have been sent by the deceased Thangaraj to his relative.

6.At this juncture, the learned counsel for the petitioner submitted that the alleged incident was taken place on 02.09.2019 and this case was registered on 06.10.2019 and after period of one and half year, the respondent police altered the Section into 306 IPC. Therefore, he seeks anticipatory bail to the petitioner.

7.May be there is a delay in investigation. However, considering the serious allegations made against the petitioner that he tried to have homo-sex with deceased and that was the reason for his committing suicide, this Court is of the view that this case has to be investigated and custodial interrogation of the petitioner is necessary to complete the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

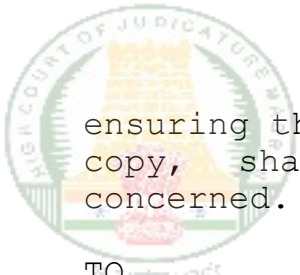
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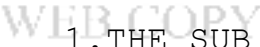
/ /2021

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

GNS



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,
RAILWAY TRACK POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8878 of 2021
Date : 08/07/2021

VB/AKM/SAR.V/13.07.2021/3P/3C