



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17262 of 2021

Marisankar

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Crime No.167 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.SELVAKUMAR,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.167 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 03.10.2021 for the offences punishable under Section 174 of Cr.P.C. @ 306 IPC in Crime No.167 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased is the wife of the petitioner. The petitioner herein has consumed alcohol, beaten the deceased and the parents of the petitioner also scolded the deceased. Due to which, on 03.10.2021, the deceased committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the de-facto complainant is the brother of the deceased and due to property dispute between the de-facto complainant and the deceased, the de-facto complainant tortured her to give the property in his name and also threatened her to sign in the blank paper, in which, the deceased committed suicide. He would also submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the co-accused were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.16024 of 2021 on 22.10.2021 and the petitioner is in judicial custody from 03.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the petitioner has consumed alcohol, beaten the deceased and the parents of the petitioner also scolded the deceased stating that "go and die", in which, the deceased committed suicide and that the investigation is yet to be completed.

5.It is seen from the records that the case was originally registered under Section 176 of Cr.P.C. and subsequently, altered under Section 306 of IPC. Admittedly, the petitioner is the husband of the deceased.

6.Considering the seriousness and gravity of the offence alleged and also the facts that the petitioner is in judicial custody from 03.10.2021 and that the investigation is pending as per the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner at that point of time.

7.Accordingly, the Criminal Original Petition is dismissed.

sd/-

09/11/2021

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/ /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,
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17262 of 2021

Date :09/11/2021

SA/JM/SAR.1/12.11.2021/2P/4C

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