



WEB COPY

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

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18163 of 2021

Sivakumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Cr.No. 870 of 2021.

... Respondent/Complainant

For Petitioner : M/s.SUBRAMANIAN M,
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.870 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.09.2021 for the offences punishable under Section 294(b) and 307 IPC @ 294(b) and 302 IPC, in Crime No.870 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim are husband and wife. There existed matrimonial dispute between them, due to which, the petitioner abused the victim in filthy language, therefore, the victim set fire by herself and subsequently, she died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 29.10.2021.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that after conducting investigation and recording dying declaration, the case was altered into Section 302 IPC. He would further submit that since the petitioner is having illicit intimacy with another lady, there arose quarrel between the petitioner and the victim and subsequently, the victim poured kerosene and set fire by herself and that the investigation is pending.

5.It is seen from the records that originally the case was registered for the offence punishable under Sections 294(b) and 307 of IPC and after the death of victim, the same was altered into Sections 294(b) and 302 IPC.

6.Considering the seriousness and gravity of the alleged offence and also the facts that the petitioner is in judicial custody from 29.10.2021, and that the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner at this point of time.

7.Accordingly, the Criminal Original Petition is dismissed.

sd/-
22/11/2021

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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,
Pappanadu Police Station,
Thanjavur District.

2.The Officer Incharge,
Central Jail,

<https://hcservices.hc.mysore.gov.in/hcservices/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ORDER

IN

CRL OP (MD) No.18163 of 2021

Date :22/11/2021

RS/VR/SAR4 (25.11.2021) 3P 4C