



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.20538 of 2021

1. B.Balachander
2. B.Malliga

... Petitioners/Accused Nos.1&2

Vs

The State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.137 of 2019

... Respondent/Complainant

For Petitioner: Mr.G.THALAIMUTHARASU
Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime.No.137 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offence punishable under Section 174(3) Cr.PC altered to offence under Section 306 of IPC in Crime No.137 of 2019 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased is none other than the wife of the first petitioner. The first petitioner and the deceased had loved each other and they have also married without the knowledge of their parents. After the marriage, they have lived peacefully without the disturbance of their parents and they also gave birth to a female child, namely, Mahilmathi. In the year 2018, the first petitioner's father died and therefore, the deceased alongwith her husband visited the house of the second petitioner and thereafter, they lived together. When the deceased was living in the house of the second petitioner, at the instigation of the second petitioner, the first petitioner started harassing the deceased and also snatched away the child from the deceased and driven her out of the matrimonial home. Therefore, she lodged a complaint before the All Women Police Station, Nilakottai and the same was treated as petition enquiry in CSR No.239 of 2018. During



the enquiry, the first petitioner appeared before the Inspector of Police, Nilakottai and handed over the child to the deceased. Even thereafter, the first petitioner attacked the deceased and thereby, she committed suicide. Hence, the complaint.

3. In fact, by a detailed order, dated 07.09.2021, this Court considering the facts and circumstances and the nature of the offence alleged to have been committed by the petitioners, this Court dismissed the earlier anticipatory bail application. The 1st petitioner, after marriage, has driven the deceased out of the matrimonial home and also snatched away her child. On account of that she committed suicide and hence, this Court does not find any change of circumstances in order to entertain the present anticipatory bail application.

4. Accordingly, the Criminal Original Petition is dismissed.
sd/-

23/12/2021

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/ /2022

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,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.20538 of 2021
Date : 23/12/2021

SA/JM/SAR.4/07.01.2022/2P/3C