



Crl.O.P.No.6960 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 25.03.2022

Pronounced on : 31.03.2022

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.6960 of 2022

1. V.Ezhilarasan,
S/o.P.Vadivelu.

2. E.Kavitha,
W/o.V.Ezhilarasan.

... Petitioners/Accused 1 & 2

/versus/

The State Rep.by,
The Inspector of Police,
Voimedu Police Station,
Crime No.39 of 2022,
Nagapattinam District.

... Respondent

Prayer: This Criminal Original Petition is filed under Section 438 of Cr.P.C.,
pleaded to grant anticipatory bail to the petitioners in the event of their arrest or on
their appearance before any Court in connection with the case in crime No.39 of
2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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the property, the petitioners and his men had gone to the property demolished the house and conducted Boomi Pooja. When Bhavani resisted the said action and pleaded to allow her to live in that house, till her death and thereafter, take possession of it. The 1st petitioner and his men did not heed and started demolishing the building. In the complaint, the 1st petitioner has stated that, only if she dies, he can be peacefully enjoy the property. This provoked the deceased Bhavani to consume poison. Immediately, she was taken to the hospital for treatment and she did not survive. The petitioners stated that, on that day the deceased Bhavani was not residing in that place. The 1st petitioner was also not present. Only his sister was there to conduct Boomi Pooja. The said Bhavani fainted and she was taken to the hospital. Hearing the news, he also rushed to the hospital. However, Bhavani died. The complaint is engineered by the son-in-law of deceased Bhavani. Taking advantage of the petitioners' absence in the village, the siblings of Bhavani tried to grab the property which was allotted to the petitioners under registered partition deed dated 11.09.2021.



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4. The case under investigation is that, whether the death of Bhavani is due to alleged abetment of the petitioners. Therefore, this Court called for the Case Diary [CD] file to verify whether Bhavani was admitted in the hospital as she fainted in normal course as stated by the petitioners or for consuming poison. The Accident Register indicates that, she was brought to the hospital alleging history of OPC Poisoning (Chlorpyrifos). It is a pesticide used by agriculturalist to control insects. The Accident Register also indicates that, patient who was brought to hospital found in delirium. The intestine has been sent for chemical analysis and viscera report is awaited. The preliminary investigation indicates that, immediate cause for the death of Bhavani was due to consumption of poison since she was humiliated by the petitioners and the house in which she was residing demolished forcibly in spite of her objection.

5. Since the viscera report is not yet received and investigation so far indicates that due to utterance of the petitioners herein, the deceased Bhavani consumed poison to end her life, this Court is of the view that the petitioners' custodial interrogation is necessary in this case. Accordingly, this Criminal



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Original Petition is dismissed.

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Index :Yes/No.
Internet :Yes/No.
Speaking order/Non Speaking order
bsm

To:-

1. The District Munsif-cum-Judicial Magistrate, Vedaranyam.
2. The Inspector of Police, Voimedu Police Station, Nagapattinam District.
3. The Section Officer, V.R.Section, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

Pre-delivery order made in
Crl.O.P.No.6960 of 2022

31.03.2022