



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7899 of 2022

RAMACHANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
VELLORE DISTRICT.
(CR.NO.54 OF 2021)

[RESPONDENT]

For Petitioner : M/S.D.SELVARAJU Advocate

For Respondent : MR.S.UDAYAKUMAR, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 174(3) of Cr.P.C. now altered to Section 306 of I.P.C. in Cr.No.54 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the friend of the deceased's husband and he is alleged to have had illegal intimacy with the deceased. On coming to know about the same, one Nithish is alleged to have threatened the deceased and demanded to have relationship with him, due to which, the deceased committed suicide by hanging.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is only the friend of the deceased's husband. The deceased's husband harassed the deceased demanding more dowry and in order to escape from the offence, he made false confession as if the petitioner had illegal intimacy with the deceased.



4.The learned counsel appearing for the petitioner further submitted that the confession statement given by one Nithish who is a distant relative of the deceased husband, as if the petitioner has illegal relationship with the deceased is not sustainable one. The confession statement given by the deceased husband and Nithish are without any material and with lack of substance and merely based on their confession statements, the petitioner cannot be implicated as accused in this case. The learned counsel further submitted that except this petitioner, the co-accused are already enlarged on bail and investigation in the case is almost over. Hence, considering the change in circumstances, this Court may grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) would submit that during the course of the investigation, confession statement was obtained from one Nithish, who is also an accused in the case. In his confession statement, the said Nithish has stated that the petitioner is the friend of the deceased's husband and he used to come to the deceased's house frequently. Both the petitioner's husband and the petitioner are alcohol addicts and they used to take drinks together and after taking drinks, the petitioner used to have illegal relationship with the deceased. It was noticed by Nithish and after coming to know about the same, the deceased informed Nithish that due to the torture given by her husband, she started to have illegal intimacy with the petitioner. Thereafter, Nithish and the deceased used to share everything through cell phone. The deceased had informed him that the petitioner has also started to torture her and had also taken away some jewels and money from her. In his confession statement the said Nithish has also stated that the deceased has committed suicide due to the torture given by her husband and the petitioner and on the apprehension that Nithish will share the evidences he have with others.

6.The learned Government Advocate (Crl. Side) would further submit that earlier, the petitioner approached this Court by filing Crl.O.P.Nos.12063, 22093 of 2021 and 3382 of 2022 and this Court has dismissed the said petitions.

7.It is alleged that in the confession statement given by the co-accused, he has stated that the petitioner had illegal intimacy with the deceased and tortured her demanding huge money and unable to bear the torture made by the petitioner, the deceased has committed suicide. However, it is a matter of investigation. Rendering any opinion on the confession given by the co-accused will adversely affect the investigation and investigation is yet to be completed.



8. Considering the nature and gravity of the offence committed by the petitioner and since there is no change in circumstances subsequent to the order passed in Crl.O.P.Nos.12063, 22093 of 2021 and 3382 of 2022, this Court is not inclined to grant anticipatory bail to the petitioner.

9. This criminal original petition is accordingly dismissed.

-sd/-

11/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.SELVARAJU Advocate on payment of necessary charges

CRL OP.7899/2022

Date :11/04/2022

CSK 20/04/2022