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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/07/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD). No.5668 of 2022**

Surenraj

... Petitioner/Accused  
Rank Not Known

Vs

State rep.by  
The Inspector of Police,  
Kulasekaram Police Station,  
Kanyakumari District.  
(Crime No.441 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ramesh Raja P.T., Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

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

PRAYER :-

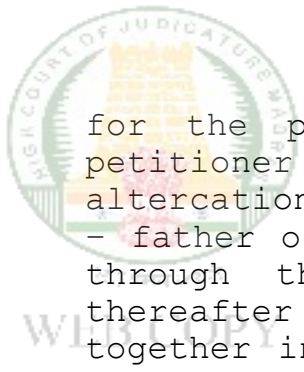
For Anticipatory Bail in Crime No.441 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C., @ 294(b), 324 and 306 I.P.C., in Cr.No.441 of 2021, seeks anticipatory bail.

2. It is pertinent to note that originally F.I.R. came to be registered under Section 174 Cr.P.C., and after initial investigation, the case was altered for the offences under Sections 294(b), 324 and 306 I.P.C., and an alteration report has been filed implicating the petitioner as accused.

3. The case of the prosecution is that the defacto complainant's son Stanley (deceased) and the petitioner are friends



for the past 8 years, that on 12.12.2021 at 07.15 p.m., the petitioner came to meet his friend and at that time, there was an altercation and the petitioner had attacked the defacto complainant - father of the deceased and also pelted stones through a crow bar through the window of the defacto complainant's house, that thereafter both the petitioner and the deceased went outside together in a two wheeler and on that day night, the deceased has not returned to his house, and that on the next day ie., 13.12.2021 at 05.30a.m., the deceased came to his house and at about 08.00a.m., he went to outside to get his mobile phone. In the meanwhile, the mother of the deceased went to the house of the petitioner and questioned the conduct of the petitioner on the previous day, that the petitioner had abused the mother of the deceased, that at about 01.15p.m., the deceased contacted his sister over phone and informed that he is not willing to live, as his father was attacked and mother was abused by the petitioner and then subsequently, he consumed poison and committed suicide.

4. The case of the petitioner is that the defacto complainant himself admitted that the petitioner and the deceased went outside together in the petitioner's bike after the alleged attack made by the petitioner in the house of the deceased, that if really there was an altercation and attack made by the petitioner as alleged, the deceased would not have moved with the petitioner together and as such, the narration of facts in F.I.R., is highly improbable.

5. The learned Counsel for the petitioner would further submit that since the parents of the deceased disliked the petitioner's company with the deceased and that was the reason for the alleged complaint and the father of the deceased has dragged the petitioner as an accused for the death of his son. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

6. The learned Additional Public Prosecutor appearing for the State would submit that on the date of occurrence, the deceased had contacted her sister and informed her that since the petitioner had attacked their father and abused their mother in filthy language, he felt humiliated and hence, he was not willing to live and is going to die. The learned Additional Public Prosecutor has produced the call details to show that the deceased had contacted her sister at about 12.52p.m., on the occurrence day.

7. The learned Additional Public Prosecutor would submit that the investigation is pending and to find out, as to what had happened subsequent to the first occurrence till his suicide, the custodial interrogation of the petitioner is very much necessary.

8. Considering the seriousness and the gravity of the offences alleged and also the facts that the investigation is pending and there is no change in circumstances since the dismissal of the earlier petition as stated by the learned Additional Public



Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

9. In the result, the Criminal Original Petition is dismissed.

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Sd/-  
06/07/2022

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/ /2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSL

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,  
KULASEKARAM POLICE STATION,  
KANYAKUMARI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.5668 of 2022  
Date :06/07/2022

SP/SVR/SAR I/12/07/2022/3P/3C