



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 21/04/2022
PRONOUNCED ON : 26/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6099 of 2022

Mohamed Ali

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Melampalaiyam Police Station,
Tirunelveli City.
In Crime No.116/2021

... Respondent/Complainant

For Petitioner : M/s.SUSI KUMAR.C,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl.Side)

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

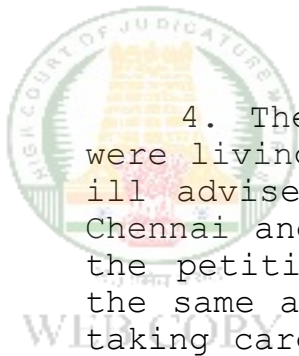
PRAYER :- For Anticipatory Bail in Crime No.116/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 I.P.C., in Crime No.116 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Admittedly, the petitioner and the deceased got married 13 years back and due to their wedlock, they were blessed with two male children and that the deceased is the daughter of the defacto complainant.

3. The case of the prosecution is that the petitioner is running an auto at Chennai, that both the petitioner and the deceased were living together at Chennai for 5 years, that since the deceased faced harassment and cruelty at the hands of the petitioner, the defacto complainant brought his daughter to Melapalaiyam and arranged a separate rental home 7 years back, that the petitioner visited his family at Melapalaiyam once in a week, that whenever he came to Melapalaiyam, said to have quarrelled with his wife and harassed her and that on 16.02.2021, the defacto complainant's daughter unable to tolerate the harassment of the petitioner, had committed suicide by hanging. Hence, the present complaint.



4. The petitioner's case is that the petitioner and his wife were living happily for more than 5 years at Madras, that due to the ill advise of the defacto complainant, the petitioner's wife left Chennai and started to reside with her father at Melapalaiyam, that the petitioner considering the welfare of his children, tolerated the same and used to visit his family weekly once and he alone was taking care of the entire expenses to run the family, that whenever he came to Tirunelveli, his wife entered quarrel with him for flimsy reasons on the ill-advice of the defacto complainant, that there was a dispute between the father and the daughter, due to which, the petitioner's wife committed suicide and that the defacto complainant, to escape from the clutches of law, has lodged the above complaint falsely implicating the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that one year before the alleged occurrence, the petitioner came to Melapalaiyam and was residing with his wife for the past one year, that the petitioner was harassing the deceased by saying that his life got paralysed on hearing the words of the deceased and his parents to remain in Melapalaiyam, that the deceased had contacted her parents and informed that she was suffering mental agony, as she could not tolerate the conduct of the petitioner, that on 15.02.2021, the petitioner had informed his wife that he decided to go to Chennai and asked his wife and children to accompany him to Chennai or otherwise, they have to die by remaining in the same place, that on 16.02.2021, the deceased had contacted her mother at about 09.15a.m., and informed that her husband would be happy, if she dies and disconnected the call and that thereafter, the defacto complainant came to know that his daughter had committed suicide at about 10.15a.m., on that day.

6. Even according to the petitioner, there existed disputes between him and his wife and that he was visiting his family at Tirunelveli once in a week and thereafter prior to the alleged occurrence, he was staying with the deceased and his children for the past one year.

7. Considering the above facts and circumstances and also the seriousness and gravity of the offences alleged and that the investigation is pending as stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

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

sd/-

26/04/2022

/ TRUE COPY /

/ /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,
MELAMPALAIYAM POLICE STATION,
TIRUNELVELI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6099 of 2022
Date :26/04/2022

SA/VR/SAR.4/09.05.2022/3P/3C