



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.12838 of 2022

Sivakumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai City.
Crime No.115 of 2022.

... Respondent/Complainant

For Petitioner : Mr.AR.L.SUNDARESAN, Senior Counsel
for Mr.A.MURALIKUMAR, 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.115 of 2022 on the file of the Respondent Police.

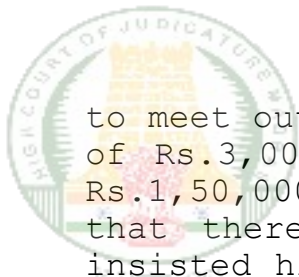
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 @ 396 IPC in Cr.No.115 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the deceased, who is the daughter of the de-facto complainant, got married during 2009 and gave birth to two children, that the petitioner is alcoholic and used to quarrel with the deceased often and that on 25.02.2022, the accused said to have quarrelled with the deceased and due to that, on 28.02.2022 the deceased had committed suicide by hanging herself.

3.It is not in dispute that the case was registered in Crime No.115 of 2022 under Section 174 of Cr.P.C. and after initial investigation, the case was altered to Section 306 IPC. It is also not in dispute that the petitioner's earlier two applications were ordered to be dismissed vide orders dated 28.04.2022 and 24.06.2022.

4.The learned counsel for the petitioner would submit that the petitioner had extended financial assistance to the tune of Rs.3,00,000/- to the parents of the deceased, that before five months, this father-in-law suffered from kidney problem, for which, the de-facto complainant asked him to advance a sum of Rs.4,00,000/-



to meet out the medical expenses, that the petitioner borrowed a sum of Rs.3,00,000/- and gave the same to his mother-in-law, in which Rs.1,50,000/- was repaid and the rest of the amount was not paid, that thereafter the family members of the petitioner's wife had insisted him to pay a sum of Rs.3,00,000/- again for performing his wife's sister's marriage, but the same was refused by him, that the petitioner's mother-in-law had given ill-advice to her daughter and that due to frustration and mental agony given by her, the deceased had committed suicide and that the petitioner's mother-in-law had spread vague allegations, as if the petitioner was an alcoholic and was the culprit.

5.The learned Additional Public Prosecutor would submit that all the witnesses, more particularly, the children of the petitioner and the deceased, in their statements had stated about the way, in which, the petitioner had quarrelled with the deceased before the alleged occurrence and that the investigation is pending.

6.Considering the above facts and circumstances and the seriousness and gravity of the offence alleged and also the facts that the investigation is pending as stated by the learned Additional Public Prosecutor and that there is no change in circumstances, since the dismissal of the earlier petitions, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

7.In the result, this Criminal Original Petition is dismissed.

sd/-

21/07/2022

/ TRUE COPY /

/07/2022

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

ORDER IN

CRL OP(MD) No.12838 of 2022
Date :21/07/2022

SA/VR/SAR.3/27.07.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>