



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

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14195 of 2022

Uthira Pathi

... Petitioner/A1

Vs

State Rep.by
The Inspector of Police,
Taluk Police Station,
Thanjavur District.
Crime No.797 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Duraipandian K.S,
Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : M/s.T.Banumathy, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.797 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 448, 323, 379 and 306 IPC, in Crime No.797 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, while he was alive taking treatment in the hospital and gave a statement that his son Saravanan married one Kawsalya. There was difference of opinion between them. Kowsalya was demanding her son to go to her native place, so that they can live there. But the de-facto complainant was not agreeing for that. On a particular day, A1 along with other accused persons numbering about 15 trespassed into her house, abused in filthy language and snatched away 20 sovereigns of gold jewels. Kawsalya was also taken by them. Because of that occurrence, she had taken the rat killer. She was taken to the hospital, under treatment there for some time and died. Hence, the case was altered to 306 IPC.



3.The learned counsel for the petitioner would submit that the said Saravanan picked up quarrel, demanding dowry and also assaulted his daughter. On coming to know about the occurrence, the petitioner went to the de-facto complainant's house and brought his daughter. A complaint was given and because of the above said complaint, the deceased attempted to commit suicide.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with 15 others trespassed into the de-facto complainant's house, abused in filthy language and assaulted her. So, she attempted to commit suicide by taking rat killer. The dying declaration was also recorded from the de-facto complainant. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.It is seen that earlier, this Court, by order dated 18.08.2022, granted interim anticipatory bail to the petitioner for a period of one month. However, considering the gravity and nature of the offence and also considering the specific overt act against this petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

29/09/2022

/ TRUE COPY /

/10/2022

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

+1 CC to M/s.R.NARAYANAN, Advocate (SR-10767[I] dated 29/09/2022)

ORDER IN

CRL OP(MD) No.14195 of 2022

Date :29/09/2022

SJI

RS/VR/SAR.1(11.10.2022) 2P-4C