



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

Date : 23/09/2022

PRESENT

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

CRL OP(MD). No.16048 of 2022

Muthukumar

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Kurumbur Police Station,  
Thoothukudi District  
(Crime No.97 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sasidharan Tamilkani S T,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

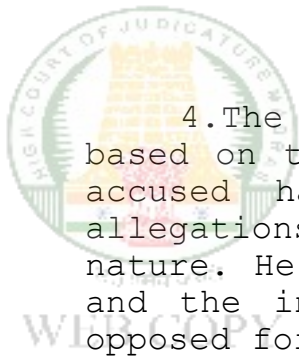
For Bail in Crime No.97 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 03.07.2022 for the offences punishable under Sections 498 (A) and 307 IPC and Section 4 of TNPHW Act @ 498(A) and 302 of IPC and Section 4 of TNPHW Act, in crime No.97 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are husband and wife. The petitioner along with other accused harassed the deceased by demanding more dowry. Subsequently, on 02.07.2022, the petitioner and other accused poured kerosene and set fire on the deceased and the deceased succumbed to burn injuries on 06.07.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he had not demanded more dowry from the deceased at any point of time. He would further submit that the petitioner is in judicial custody from 03.07.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit that based on the dying declaration statement, the petitioner and other accused have been arrayed as accused in this case and the allegations levelled against the petitioner are very serious in nature. He would further submit that A2 and A3 are still absconding and the investigation is not yet completed. Hence, he strongly opposed for grant of bail to the petitioner.

5.Considering the nature and gravity of the offence and also considering the fact that the co-accused are still absconding and also the fact that the investigation is yet to be completed, this Court is not inclined to grant bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

23/09/2022

/ 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, KURUMBUR POLICE STATION,  
THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S. SASIDHARAN TAMILKANI S T, Advocate ( SR-10445[I]  
dated 23/09/2022 )

ORDER

IN

CRL OP(MD) No.16048 of 2022

Date :23/09/2022

SJI

RS/VR/SAR. (07.10.2022) 2P-5C