



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

Date : 28.02.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18795 of 2021

Sasikumar

... Petitioner/Accused
(Rank Not Known)

Vs

1. The State represented by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.1039 of 2020)

... Respondent/Complainant

2. Duraikannu

... Petitioner/Intervener/
Defacto Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

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

For Intervenor : Mr.K.Sivabalan,
Advocate.

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

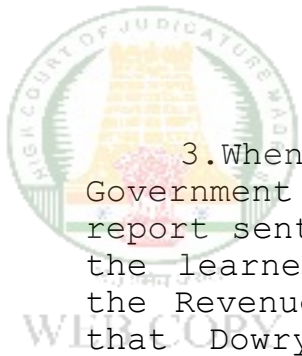
PRAYER :-

For Anticipatory Bail in Crime No.1039 of 2020 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 (3) Cr.P.C., altered into Sections 498(A) and 304(B) IPC, in Crime No.1039 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the deceased Kavipriya, who is the defacto complainant's daughter, are husband and wife and that there existed matrimonial dispute between them and the petitioner's wife had committed suicide. Hence, the complaint.



3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) has produced the copy of the report sent by the Revenue Divisional Officer (RDO), Kumbakonam, and the learned Government Advocate (Criminal Side) would submit that the Revenue Divisional Officer (RDO), after enquiry, has concluded that Dowry harassment was the reason for the suicide of the deceased.

4. The learned counsel for the petitioner would submit that the alleged incident was occurred on 17.12.2020, that though the case was originally registered under Section 174(3) Cr.P.C. subsequently, the case was altered into Section 306 IPC and that investigation might have been completed by this time and that therefore, the petitioner may be enlarged on bail.

5. The learned counsel for the intervenor would submit that after investigation, the case was altered into Sections 498(A) and 304(B) IPC, that the petitioner had been harassing the deceased continuously claiming additional dowry and that is why, the victim, without tolerating the harassment, had committed suicide and that therefore, the petitioner is not entitled to get anticipatory bail.

6. The learned Additional Public Prosecutor would further submit that the case was now altered into Sections 498(A) and 304(B) IPC and also filed the copy of the alteration report.

7. Considering the above facts and circumstances and also considering the seriousness and gravity of the offence alleged and also taking note of the report of the Revenue Divisional Officer (RDO), Kumbakonam and also the fact that investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

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

sd/-
28/02/2022

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

ORDER
IN
CRL OP(MD) No.18795 of 2021
Date :28/02/2022

USK/PN/SAR-II/09.03.2022/3P/3C