



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20921 of 2021

S.Rajkumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.470 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Karthikeya Venkitachalapathy,
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. 470 of 2021 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 offence punishable under Section 306 IPC, in Crime No.470 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was matrimonial dispute between the petitioner and his wife from the year 2014 and the petitioner had filed HMOP for divorce. On 30.09.2021, at 07.45 hours, the wife of the petitioner consumed poison and without responding to the treatment, she died on the same day evening. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. Hence, he seeks for anticipatory bail for the petitioner.



4.This is the second anticipatory bail application filed by the petitioner and the earlier petition filed by the petitioner seeking anticipatory bail in CrI.O.P.(MD)No.18914 of 2021 was dismissed by this Court on 01.12.2021.

5.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner had illicit affairs with another lady, that the son of the petitioner had lodged the complaint alleging that the petitioner had been harassing his wife continuously and also filed divorce case and the same is pending and that since the petitioner had abused the deceased in filthy language and also directed her to consume poison and die as she is not his wife, she had consumed poison and committed suicide on that day itself.

6.The learned Counsel for the petitioner would submit that the deceased had been suffering from prolonged abdomen pain and she was taking continuous treatment and lastly on 27.09.2021, ultrasound scan was also taken and that therefore, the petitioner was in no way responsible for the suicide of his wife.

7.No doubt, the petitioner's Counsel has produced a copy of the ultrasound scan report dated 27.09.2021, but whereunder it is specifically stated that everything was normal. As rightly pointed out by the learned Additional Public Prosecutor appearing for the State, the petitioner has neither furnished any particulars nor produced any materials to show that the deceased was suffering from ill health and was taking treatment continuously.

8.When the matter was taken up today, the learned Counsel for the petitioner has filed a memo raising an additional plea that during the pendency of the above petition, the petitioner has been staying away from his village, that he came to know that his minor daughter aged about 14 years was found missing from home and hence a complaint was lodged by his relatives and that subsequently, he came to know that his daughter was taken by a boy illegally to Tiruppur and at the intervention of police, she was brought back to the home, that a case has been registered against that boy under the provisions of POCSO Act and that therefore, the petitioner's presence is very much necessary to console and support his daughter and to help the police in the said prosecution.

9.As rightly contended by the learned Additional Public Prosecutor, the offence alleged against the petitioner itself is very serious and as such, the new plea advanced by the petitioner cannot be considered as a good reason or ground to grant anticipatory bail to the petitioner.

10.Considering the gravity and seriousness of the offence alleged against the petitioner and also taking note of the fact that



earlier petition and that the investigation is pending as stated by the learned Additional Public Prosecutor appearing for the State, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

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

sd/-

06/01/2022

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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,
Sivagiri Police Station,
Tenkasi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.20921 of 2021

Date : 06/01/2022

RS/JM/SAR.3(12.01.2022) 3P-3C