



Crl.O.P.No. 885 of 2023

Crl.O.P.No. 885 of 2023

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022 for the alleged offence under Section 174(3) of Cr.P.C. and subsequently it was altered into Sec. 306 of I.P.C. in Crime No.230 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a father of deceased and this petitioner married his daughter four years ago and they have no child. So, this petitioner and other accused said to have continuously harassed that she is barren. On 28.06.2021 at about 02.00 p.m. the defacto complainant received a phone call from the petitioner's house that the deceased health was not well and when he went to her house, he found his daughter's dead body. Due to the harassment made by the petitioner along with other accused, his daughter committed suicide. Accordingly, her father lodged the complaint against the petitioner.



Crl.O.P.No. 885 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said occurrence. He would submit that he married the deceased 5 years before and they lived in his native village and they have no child. Hence, she was under depressed and upset for the child. He would submit that as the deceased gone to extreme step for want of child, the enquiry was concluded that there is no dowry harassment, however, a small wound on the head of deceased, for which nobody responsible as it was occurred due to the forceful loading of dead body. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 19.12.2022. Hence, he prayed to grant bail to the petitioner.



Crl.O.P.No. 885 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused and in this case, the alleged occurrence happened on 28.06.2021, however, having some suspicious in the death of his daughter, the defacto complainant lodged the complaint and in the post-mortem, it was revealed that the deceased having some head injury. Accordingly, the offence was subsequently altered into Sec.306 of I.P.C. and the petitioner was arrested on 19.12.2022. He would also submit that the investigation is in preliminary stage and if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner and also the fact that having some suspicious in the death of his daughter, the defacto complainant lodged the complaint and subsequently F.I.R. was registered under Sec.306 of I.P.C. and the post-



Crl.O.P.No. 885 of 2023

WEB COPY mortem report reveals that the deceased had some head injury, so, a detailed investigation is required and he was arrested only on 19.12.2022 and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

12.01.2023

rpp



WEB COPY



Crl.O.P.No. 885 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 885 of 2023

12.01.2023