



Crl.O.P.No. 2236 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 14.01.2023 for the alleged offence under Sections 447, 294(b), 323, 506(i), 306 of I.P.C. in Crime No.4 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 13.01.2023 on the instigation of 1st accused, 2nd and 3rd accused went to the defacto complainant's home and abused him in filthy language and also assaulted his wife and asked about that why are you in contact with the petitioner over phone and threatened with dire consequences, due to which, defacto complainant's wife committed suicide by hanging. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against the petitioner and the 2nd and 3rd accused



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suspected that the petitioner is having illicit intimacy with defacto complainant's wife, due to which, they have gone to his house and questioned about his wife's conduct with the petitioner. He would submit that mere harassment without any positive action on the part of accused proximate to the time of occurrence, which led to suicide and it would not amount to an offence under Sec.306 of I.P.C. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he has been falsely implicated by the respondent police and he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 14.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that A1 had affair with the deceased, thereby, the other three accused went to house of defacto complainant and questioned about his wife, in which, there was a wordy quarrel between them, due to



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which, defacto complainant's wife committed suicide. He would submit that 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 also considering gravity of offence committed by the petitioner, who is having illicit intimacy with the deceased, due to which, there was a wordy quarrel between them, resulting in which, the deceased committed suicide 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.

02.02.2023

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