



CrI.O.P.No. 3173 of 2023

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**T.V.THAMILSELVI, J.**

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022 for the alleged offence under Section 302 of I.P.C. in Crime No.853 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the drunkard, for which, he was admitted in the rehabilitation centre, from where he came out and in order to take revenge of the deceased and his son, on 19.12.2022, he started assaulting the deceased woman, who is his wife and forcibly hit her head on the ground, thereby she succumbed to injuries. Hence, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that the defacto complainant is sister of deceased and deceased is wife of petitioner. He would submit that only on imaginary suspicion, the defacto complainant filed a false complaint against him. He would also submit that there was no



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such incident happened as alleged by the respondent police and in fact, the deceased/petitioner's wife is a drunkard and at the time of occurrence, she was highly intoxicated and died only by heart attack due to the shock, but with a malafide intention, the defacto complainant created a bogus story and filed a false complaint against him. He would submit 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 offence. 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 for more than 46 days from 19.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that the petitioner is the sole accused. He would submit that the petitioner is a drunkard and hence, he was admitted in rehabilitation centre and after returning from that centre, he attacked his wife, thereby she succumbed to injuries leaving her two children and now



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they are in custody of deceased sister/defacto complainant. He would also submit that if he is released on bail, he will 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 that he is a drunkard and after returning from rehabilitation centre, who was admitted by his wife and son for treatment, in order to take revenge on his wife, he attacked his wife, thereby she sustained serious injuries and died leaving her two children, and also the fact that investigation is still pending and 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.

6. Further, as per FIR, the petitioner said to have attacked his wife and committed murder of her, thereby she left her two children, in which,



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one child seems to be minor, who lost his mother in the said occurrence.

Hence, on seeing the welfare of minor children, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The District Legal Services Authority, Chennai,** is hereby directed to disburse a sum of **Rs.1,00,000/- (Rupees One Lakh only)** in the name of the minor child of the deceased under the said scheme under the guardianship of defacto complainant in post office fixed deposit till he/she attain majority, as interim compensation based on the available scheme in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order. The defacto complainant/guardian is permitted to withdraw the interest accrued till the child attain majority and the same may be utilized for the welfare of the child.

**14.02.2023**

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**09.01.2023**