



CrI.O.P.No. 3638 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 04.02.2022 for the alleged offence under Sections 306 of I.P.C. in Crime No.86 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's son was married to one Pazhani and that recently he found his wife was in extramarital affair with the petitioner and upon the same, he had also given a complaint. Even after that, they continued their extra-marital relationship, due to which his son committed suicide by consuming pesticide and died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that upon false allegations, this petitioner was implicated as accused and only to tarnish his reputation and goodwill in the society, the present F.I.R. has been lodged and there is no specific overtact attributed against the petitioner. He would



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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 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 03.02.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is having illicit intimacy with wife of deceased, on knowing the same, when the deceased tried to restrain her, she continued the same, due to which, he committed suicide by consuming pesticide and died. 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 and RDO enquiry report is awaiting. 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



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committed by the petitioner that having illicit intimacy with deceased wife, and even though several panchayats convened by family members, he did not stop the relationship with her, due to which, the deceased husband committed suicide by consuming pesticide and died leaving a daughter, who is aged about 5 years, and also considering the fact that investigation is in preliminary stage and RDO enquiry is also awaited and the fact that if he is released on bail, he may abscond and 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.

16.02.2023

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