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Crl.O.P. No. 11275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P. No. 11275 of 2023

Praveen
S/o. S.Raja

... Petitioner

Versus

The State,
rep. by Inspector of Police,
Arakkavoor Police Station,
Tiruvannamalai Dt.
(Crime No.38 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.38 of 2023 on the file of respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)



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ORDER

WEB COPY The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of I.P.C. in Crime No.38 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter has committed suicide by hanging herself in a tree at the back side of their house. However, she recorded a voice message in her mobile phone in which she has stated that she had a love affair with the petitioner and the petitioner had sexual affair with her under the pretext of marriage, but thereafter, he refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the third petition seeking for anticipatory bail and the petitioner is an innocent person. He would submit that originally, the petitioner and deceased were loved each other, but her brother threatened him, so, he did not speak with her, however, on misunderstanding him, unfortunately she committed suicide. He would submit that he was mentally affected because of hanging



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of victim girl, since because he has truly loved her and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any condition that may be imposed by this court and he has not committed any of offence as alleged by the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that the defacto complainant's daughter had recorded her voice message in her mobile phone before committing suicide, in which she has stated that she had a love affair with the petitioner, and under the pretext of marriage, the petitioner had sexual affair with the deceased and thereafter, he refused to marry her, due to which, the deceased has committed suicide. He would submit that if he is released on anticipatory bail, he will tamper the witnesses and hamper the investigation. Hence, he would vehemently opposed to grant anticipatory bail to the petitioner.



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WEB COPY 5. On perusal of CD voice record submitted by the learned Government Advocate, it reveals that before committing suicide, victim girl informed him that she is in family way, but the petitioner is not inclined to marry her, on the other hand, he suspected her pregnancy with somebody else, so, she was forced to commit suicide. Taking into consideration of the facts and circumstances of the case and on considering the submissions of both sides and also considering the gravity of the offence committed by the petitioner and also the fact that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

24.08.2023

Index: Yes/No
Internet: Yes/No
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To

1. Judicial Magistrate, Cheyyar.
2. Inspector of Police, Arakkavoor Police Station,
Tiruvannamalai Dt.
3. The Public Prosecutor, High Court, Madras.

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T.V.THAMILSELVI, J.

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Pre-delivery order in
Crl.O.P. No. 11275 of 2023

24.08.2023