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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10714 of 2023

Sathaiya,

... Petitioner/Accused No.2

Vs

The Inspector of Police,  
CBCID South Police Station,  
Sivagangai District.  
(Crime No.1 of 2023)

... Respondent/Complainant

For Petitioner : M/s.T.Seeni Syed Amma  
for Lajapathi Roy and Associates,  
Advocate.

For Intervenor : Mr.R.L.Dhilipan Pandian  
Advocate

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the  
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the  
respondent Police for the offences punishable under Sections  
211,384,389,306 of IPC in Crime No.1 of 2023 on the file of the  
respondent Police, seeks anticipatory bail.



2. The deceased committed suicide by hanging. The defacto complainant is the wife of the deceased who had stated that the accused persons threatened the deceased and received a sum of Rs.50,00,000/- from him and they foisted a false case against the deceased for POCSO offence, hence the deceased committed suicide. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally 12 accused in this case and the petitioner herein is arrayed as A2. Earlier the deceased had illegal intimacy with first accused brother's wife. She had one female child aged about 15 years, however she had no relationship with her husband, since she is not maintaining her. Thereafter she also filed suit for partition as against property of her husband and she was allotted some share. The father of the minor girl lodged complaint as against the deceased under the POCSO Act alleging that he misbehaved with the minor girl, thereafter online complaint was given to the Chief Minister Grievance Cell. It was enquired and subsequently closed as no allegation is made out as against the deceased. Thereafter the first accused herein conspired along with other accused and tutored the victim girl and lodged complaint. On the complaint lodged by the victim girl the Inspector of Police, All Women Police Station, Devakottai for the offence under sections 7 and 8 of POCSO Act, 2012 and section 506(i) of IPC and also under the provisions of SC/ST Act as against the deceased and also the mother of the victim one Savitha. While pending investigation the petitioner and other accused persons threatened the deceased and extorted huge money and they also insisted the mother of the victim to withdraw the suit filed for partition against the family members. That apart when the petitioner and the other accused persons demanded money from the victim he had given complaint. Utilizing the said circumstances they asked for huge money from the deceased and also threatened him with dire consequences. Further in the suicide note of the deceased the deceased had mentioned the name of the petitioner and many other persons in the present case soon before her death there is no instigation /abetment by the petitioner to commit suicide. The deceased committed suicide by hanging. It is also seen that on the instigation of the petitioner and other accused the victim lodged complaint as against the deceased as that he misbehaved with her, due to the said humiliation the deceased committed suicide, therefore custodial interrogation of the petitioner is very much required in this case, hence this court is not inclined to grant anticipatory bail to the petitioner.



5. In the result, the petition stands dismissed.

sd/-  
16/06/2023

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/06/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AAV

TO

1. The Inspector of Police,  
CBCID South Police Station,  
Sivagangai District

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.LAJAPATHI ROY &ASSOCIATES, Advocate ( SR-9222[I] dated  
21/06/2023 )

ORDER

IN

CRL OP(MD) No.10714 of 2023

Date :16/06/2023

DL/MGA(23.06.2023)/ 3P/ 4C