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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 16/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP (MD) No.14433 of 2023

Booesh : Petitioner/A1
Vs.
State rep. by
The Inspector of Police,
Velayuthampalam Police Station,
Karur.
(Crime No.331 of 2023) : Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:- For Bail in Crime No.331 of 2023 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A1, who was arrested and remanded to judicial custody, on 22/07/2023 for the offence punishable under section 174(3) Cr.P.C @ 306 IPC, in Crime No.331 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that her sister namely Gayathiri performed love marriage with one Boobesh, on 20/07/2023. Because of that, they were not in talking terms. Some six months prior to the occurrence, Gayathiri informed that she became pregnant. After that, the mother was used to talk with Gayathiri. During the telephonic conversation, Gayathiri informed the mother that the husband's family members are demanding dowry. About Rs.1,00,000/- was given by the mother as dowry. On 13/05/2022, her father died in a road accident. Later, she was informed by the deceased namely Gayathiri that all the family members are demanding dowry. On 13/05/2023, when she came to the house, she was given 4-1/2 sovereigns of gold jewels. On 07/07/2023, again Rs.5,00,000/- was given to Gayathiri. On 19/07/2023 at about 07.55 pm, repeated calls were made by the deceased stating that she has been harassed by the husband and his family members. On 20/07/2023, she was informed by Boobesh that Gayathiri committed suicide. Suspecting the involvement of this petitioner and his family members, the above said suspicious death, she



3.The petitioner was arrested and remanded to judicial custody, on 22/07/2023. Ever-since he is in custody.

4. Seeking bail, this petition has been filed ground the ground that it was love marriage between himself and the deceased. Absolutely, there was no reason to demand dowry. With regard to the suicide, it has been stated that the deceased was a hyper sensitive lady, even for silly things, she used to get angry. According to him, it was a sudden decision taken by the deceased, for which he cannot held responsible.

5.The entire CD file has been called for and perused.

6.The learned Additional Public Prosecutor would submit that so far, RDO report is not received.



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7.Perusal of the CD file shows that there was some sort of issue between the petitioner and the deceased. The deceased appears to have written some messages in her palm. It has been stated, in the message that this petitioner should not do anything for her. So it is seen that this petitioner was not having good terms with the deceased.

8.Whether this petitioner created circumstances which drove the deceased to commit suicide is a matter for investigation and trial.

9.It is further seen that more than one occasions, the deceased was provided with chain and money in cash. This petitioner appears to have addicted to liquor and because of that issue, frequent trouble has arisen between them.

10.Since RDO report is not received, if the petitioner is released on bail at this stage, he may hamper the above said enquiry. So, I find no reason to entertain this petition at this stage. The petitioner can revive the application after receipt of the RDO report.



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11. In the result, this criminal original petition stands **dismissed**.

16/08/2023

Index: Yes/No
Internet: Yes/No
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To,

1. The Inspector of Police,
Velayuthampalam Police Station,
Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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