



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12214 of 2020

G.Sivaraj

... Petitioner

Vs.

State rep. by its  
The Station House Officer  
Thirupapuliur Police Station  
Cuddalore District  
(Crime No.368 of 2019)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in concern with Crime No.368 of 2019, on the file of the Station House Officer, Thirupapuliur Police Station, Cuddalore District.

For Petitioner : Mr.A.T.Anbu Kumar

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Cr1. Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 12.05.2020 for the offences punishable under Section 302 and 201 IPC, in Crime No.368 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to illicit intimacy, the petitioner along with the wife of the deceased had committed the murder. A2 in this case one Sudha had lodged a complaint before the respondent police stating that her husband was missing, based on the said complaint, originally a case was registered by the respondent police in Crime No.368 of 2019 for the offence under Section "Man missing", later the respondent police had found the half burnt dead body of the deceased inside the cashew groves, then it was altered to 302 IPC. The petitioner along with the wife of the deceased had committed the murder of her husband and to screening the evidence, they had burnt the body.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession of the co-accused.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had illicit intimacy with the wife of the deceased, due to which, the deceased was taken to the cashew grove and they have assaulted him and burnt his body. Thereafter, A2 / wife of the deceased had lodged a complaint before the respondent police as if her husband was missing. During the course of investigation, the respondent have found that the petitioner and the wife of the deceased had committed the murder of the deceased and they have burnt his body. He would further submit that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.III, Cuddalore.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a)Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b)the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Cuddalore, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which the bail granted by this Court shall stand dismissed automatically;

(c)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

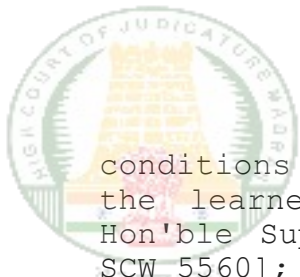
(d)**the petitioner shall report before the learned Judicial Magistrate No.III, Cuddalore on the first working day of every month at 10.30 a.m. until further orders.**

(e)the petitioner shall not commit any offences of similar nature;

(f)the petitioner shall not abscond either during investigation or trial;

(g)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h)On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the



conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**6. With the above directions, this Criminal Original Petition is ordered.**

-sd/-

13/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II  
CUDDALORE

2 THE JUDICIAL MAGISTRATE,  
NO.III, CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE. [FOR INFORMATION]

4 THE STATION HOUSE OFFICER  
THIRUPPAPULIYUR POLICE STATION  
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

CC to A.T.ANBU KUMAR Advocate on payment of necessary charges

CRL OP.12214/2020

Date :13/08/2020

TA-08/09/2020