



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.13306 of 2022

1.Jayakumar
2.Selvaraj

..Petitioners

Vs.

State rep by
The Sub Inspector of Police,
Attur Town Police Station,
Salem District
crime No.156 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.156 of 2022 pending investigation on the file of the respondent police.

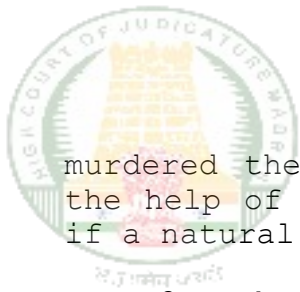
For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.04.2022 for the offence punishable under Sections 302, 201 & 176 of IPC in crime No.156 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the first petitioner married the deceased about 17 years ago and they have two sons. There were often quarrels between them. While being so, on 12.04.2022, again there was a quarrel between them and the first petitioner attacked the deceased. Thereafter, it was informed to police by the first petitioner that she died by committing suicide. Therefore, FIR was registered under Section 174(3) of Cr.P.C. and after investigation it was found that the first petitioner attacked and



murdered the deceased by strangulating her neck and thereafter with the help of the second petitioner, disposed the body and created as if a natural death occurred. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners are A1 and A2, wherein A1 is the husband of the deceased and A2 is his friend. On the date of occurrence, A1 murdered the deceased by strangulating her and with the help of A2, he disposed the body and created as if it was a natural death. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the first accused is the husband of the deceased and the second petitioner is the friend of A1. Even according to the case of the prosecution, the first petitioner attacked his own wife with hands and also strangulated her, due to which she sustained injury and died. Thereafter, he informed to the second accused, who helped in disposing the body as if she died in a natural way.

6. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the first petitioner/A1 and this petition is dismissed as against the first petitioner. However, this Court is inclined to grant bail to the second petitioner/A2. Accordingly, the second petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Attur and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders

[c] the second petitioner shall not abscond either during investigation or trial.

[d] the second petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 8733

CRL OP.13306/2022

Date :09/06/2022

RW-10/06/2022