



Crl.OP.No.15689 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offences punishable under Section 302 of IPC altered into Sections 302, 120(b) and 34 of IPC in crime No.490 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.05.2022 at about 6.50 p.m., the defacto complainant received a phone call from her husband's phone made by one, Ravi, Concillor and informed that three persons who came in a two wheeler, attacked her husband with knife near one Balachandar Juice Shop situated on the Chinnakarai – Lakshmi Nagar Road. Immediately, she along with her father in law and relatives rushed to the place of occurrence where her husband was found dead. Further, when she enquired the Ravi, Councillor and one Kalai, wherein they informed her that while her husband came to the Balachandar Juice shop, three persons came in a two wheeler quarreled with the deceased and subsequently stabbed him with knife on various parts of his body. Based on the complaint, FIR was registered in crime No.490 of 2022 against three identifiable persons for the offence under Section 302 of IPC and



subsequently, during the investigation, the respondent implicated the petitioner as accused as if there is an illegal intimacy between the petitioner and the wife of the deceased / defacto complainant and they have planned to kill the defacto complainant's husband. As per their conspiracy, they arranged mercenary to kill the defacto complainant's husband. Thereafter, the offence was altered into Sections 302, 120(b) and 34 of IPC.

3. The learned counsel for the petitioner would submit that on the complaint lodged by A2, original complaint has been registered for the offence under Section 302 of IPC. Thereafter altered into offence under Sections 302, 120(b) and 34 of IPC, in which the defacto complainant herself arrayed as A2. There are totally eight accused, in which the petitioner is arrayed as A1. He is aged about 27 years and he is working as Production Manager in the readymade garment, in which A2 was working as tailor. Utilising the said relationship, the false complaint has been foisted as against the petitioner and he never had illegal intimacy with the second accused who is the wife of the deceased. He further submitted that in fact, originally one, Ravi Councillor informed to the A2 that her husband was attacked by the accused 3 to 5 herein. Therefore, the petitioner is no way connected with the occurrence and he never engaged any henchman to do away the life of the deceased. Only on his



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confession, prosecution now saying that he paid a sum of Rs.6 lakhs to the henchmen to do away the deceased.

4. The Additional Public Prosecutor appearing for the respondent police would submit that there are totally eight accused, in which the petitioner is arrayed as A1. The petitioner had illegal intimacy with A2. Therefore, both planned to do away the life of the A2's husband since he was interfering with their relationship. Therefore, the first accused engaged A3 to A8 and on payment of Rs.6 lakhs, murdered the deceased and the petitioner was arrested on 06.05.2022 and the investigation is pending.

5. It is seen that there are totally eight accused, in which the petitioner is arrayed as A1. The petitioner and the A2 had illegal intimacy and as such they planned to do away the innocent husband of the A2. Therefore, the petitioner and the A2 have committed very serious offence and brutally murdered the innocent husband of the A2. Therefore, this Court is not inclined to grant bail to the petitioner. Further, the earlier bail petition filed by the petitioner in Crl.OP.No.13953 of 2022 was dismissed by this Court on 17.06.2022 and this is the second bail petition. Even then, there is no change of circumstances in this case.



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6. Accordingly, this criminal original petition is dismissed.

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