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CrI.OP.No.17262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

CrI.OP.No.17262 of 2022

Muthukumar

...Petitioner

Vs.

State Rep By its,
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.171 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. 171/2022 on the file of the respondent.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2022 for the offences punishable under Section 174 of Cr.P.C @ 302 of IPC in crime No.171 of 2022 on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that A1 having illegal relationship with the petitioner herein. In this regard, three years before, a dispute arose between A1 and her husband Sakthivel and A1 attempted suicide. Thereafter, she lodged a complaint against her husband before the AWPS Mettur and later compromised. Further on 14.06.2022, at about 04.00 a.m., A1's husband died in a suspicious manner. Later up on investigation, it was found that due to illegal relationship with the petitioner herein, A1 murdered her husband by mixing poison in food. Hence, the case.

3. There are totally two accused, in which the petitioner is arrayed as A2. A1 and A2 had illegal intimacy, due to which, they decided to do away the deceased, who is none other than the husband of A1. Therefore, A1 mixed poison in the food administered to deceased. After consuming food, he died. As far as the petitioner is concerned, he had illegal intimacy with the A1. That is the reason why A1 mixed poison in the food of the deceased. Initially, the First Information Report



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was registered under Section 174 of Cr.P.C. Subsequently, altered into offence under Section 302 of IPC. However, no offence is registered under Section 120(b) of IPC.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.14.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the 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 sureties**, each for a like sum to the satisfaction of the **learned JM.No-1, Mettur**, 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 petitioner shall stay at Vellore and report before the Inspector of Police, Sathuvachari Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation



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or trial.

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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.

25.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The JM.No-1,
Mettur.
- 2.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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