



Crl.O.P.No.25834 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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

Crl.O.P.No.25834 of 2022

1. Raja @ Ilayaraja

2. Palaniswamy

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.181/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.181 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Saikrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.09.2022, for the offences punishable under Section 174 Cr.P.C. @ Section 302 IPC, in Crime No.181 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1/Kavitha, who is the wife of the deceased Govindan, had illegal intimacy with one Dhanasekaran/A2, due to which there was a dispute between the deceased and A1. In pursuance to the same, on 22.07.2022, at about 10.30 p.m., when the deceased person came to his house and lying in drunken mood, the accused have assaulted the him with deadly weapon to death. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners, who are arrayed as A3 and A4, are innocent. He would further submit that the petitioners have been implicated in this case, only based on the extra judicial confession of A1. He would also submit that there is no direct eye witness to the incident and the petitioners are in custody from 17.09.2022 and they are ready to abide by any stringent conditions that may



be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners are arrayed as A3 and A4 in this case. He would further submit that A1 is the wife of the deceased who was having an illicit intimacy with A2 and on account of which, there was a dispute between the deceased and on 22.07.2022, A1 along with the other accused committed murder of her husband. He would also submit that originally the case has been registered for the offence under Section 174 Cr.P.C and during the course of investigation, the case was altered to one under Section 302 IPC. He would also submit that the investigation is pending and therefore, he vehemently oppose to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions



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made by the learned counsel and also taking note of the fact that the petitioners have been implicated in this case, only based on the confession statement recorded from the A1, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Dharmapuri**, 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 petitioners shall stay at Thanjavur and report before the Inspector of Police, Thanjavur Town Police Station, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

20.10.2022

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To

1. The Judicial Magistrate II,
Dharmapuri.
2. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
4. The Inspector of Police,
Thanjavur Town Police Station,
Thanjavur.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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