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CrI.O.P.No.26328 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

CrI.O.P.No.26328 of 2022

Rajini

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valavanthi Nadu Police Station,
Namakkal District.

(Crime No.259/2021).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in S.C.No.52 of 2022
on the file of the Court of Sessions (Fast Track Mahila) Judge, Namakkal.

For Petitioner : Mr.K.Govi Ganesan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.12.2021, for the offences punishable under Sections 174 Cr.P.C., @ 376, 302, 201 of IPC in Crime No.259 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the complaint given by the de-facto complainant/father of the deceased stating that his daughter, who was married and deserted by her husband, was found missing from 24.06.2020 and later after one year six months on 07.12.2021, on the information given by one Devaraj, the skeletal remains of his daughter was found, a case in Crime No.259 of 2021 was registered for the offence under Section 174 Cr.P.C. During the course of investigation, it was found that the petitioner had an illicit affair with the deceased Renuka and he had taken away few jewels of the deceased and when the deceased asked to return the same, the petitioner had committed murder of her and in order to screen the murder, he buried the body in a shallow manner and later, the body was recovered. Hence, the case.



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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 on the allegation that the petitioner had an illicit affair with the deceased and that he had taken jewels from her and when she asked for jewels, he had committed murder. He would further submit that other than the alleged confession statement recorded from the petitioner, there is no material available as against the petitioner. He would also state that the petitioner is in custody from 16.12.2021 and he is ready to abide by any stringent conditions that may be imposed by this Court. He would also submit that the investigation has been completed and the final report has also been filed by the respondent Police and the petitioner is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner and if only the petitioner comes out on bail, he will be able to engage a counsel to properly defence his side.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who had an illegal affair with the de-facto complainant's daughter, had taken away her jewels and it



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was asked by the deceased, he had taken her to a secluded place and committed murder by strangulating her with Dupatta and buried her body. He would also submit that later, skeletal remains of the deceased was discovered on 07.12.2021 and based on the complaint given by the de-facto complainant, a case has been registered. He would also submit that investigation has been completed and the final report has also been filed before the learned Sessions Judge (Fast Track Mahila), Namakkal and it was taken up on file in S.C.No.52 of 2022 and there are about 26 witnesses and the witness summons have been issued to LW1 to LW9 and the case is now stands posted for next hearing on 17.11.2022. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 made by the learned counsel and taking note of the fact that the case is based on the circumstantial evidence and also considering the period



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of incarceration undergone by the petitioner and the trial has also been commenced, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge (Fast Track Mahila), Namakkal**, 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 report before the learned trial Judge on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

31.10.2022

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To

1. The Sessions Judge, (Fast Track Mahila Court),
Namakkal.
2. The Inspector of Police,
Valavanthi Nadu Police Station,
Namakkal District.
3. The Central Prison,
Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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