



Crl.O.P.No.31576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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1. Rajivganthi,
S/o. Palani

2. Mahalakshmi,
W/o. Rajivgandhi

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi Dt.
(Crime No.450 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.450 of 2022 on the file of respondent police.

For Petitioners : Mr.A.Ramesh

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.10.2022 for the alleged offence punishable under Section 174(3) of Cr.P.C. and subsequently it was altered into Sec.304(B), 302, 201 of I.P.C. in Crime No.450 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that A1 after consuming alcohol continuously harassed the deceased for more dowry. On 04.10.2022, at about 11.00 p.m. A1 again assaulted the deceased with wooden log in her head continuously demanding money, due to which she became faint. Thereafter, with the help of A2 to A4, A1 hanged the deceased with her saree in the nearby tree. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that they have been falsely implicated as accused and there is no specific overtact against the petitioners. He would submit that they are all innocent persons and they are no way connected with the occurrence. He



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would submit that this is the second petition seeking for bail and they are in custody for more than 76 days from 06.10.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are four accused involved in this case and the petitioners are arrayed as A3 and A4. He would submit that A1 murdered his own wife and with help of petitioners, he converted her death as hanging. He would submit that A1 is husband of deceased and A2 is paramour of A1 and A2 said to be accompanied to A1 to convert the alleged murder as if deceased committed suicide. He would submit that the investigation is almost completed and no previous case pending against the petitioners. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that the investigation is almost completed, no previous case pending against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:



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6. Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 Judicial Magistrate No.2, Ulundurpet** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter they shall appear on every Saturday at 10.30 a.m. for another period of three months.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2022

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To

- 1.The Judicial Magistrate No.2,
Ulundurpet.
- 2.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi Dt.
- 3.The Superintendent of Prison, (1st petitioner)
Central Prison, Cuddalore.
4. The Superintendent of Prison, (2nd petitioner)
Sub-Jail, (Women), Cuddalore
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI , J.

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