



Crl.O.P.No.1037 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2023

CORAM :

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

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1. Rejina,
W/o. Selvakumar

2. Selvakumar,
S/o. Krishnan

... Petitioners

Vs.

State represented by
The Inspector of Police,
N-4 Fishing Harbour Police Station,
Fishing Harbour, Chennai.
(Crime No.182 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.182 of 2022 on the file of the respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.11.2022 for the alleged offence under Sections 174 of Cr.P.C. and subsequently it was altered into Sec.302 of I.P.C. in Crime No.182 of 2022 on the file of the respondent police, seek bail.

2. The case of prosecution is that the deceased Sumithra is daughter of petitioners and she has two children. The deceased having some illicit relationship with other persons and even though on the advise of petitioners and her husband to abandon her illegal acts, she did not accept the advise and continuously done the same illegal acts. As they could not tolerate the acts of her, the deceased gave mental and physical torture to the accused and tarnish their name among the public continuously. Hence, the petitioners along with her husband jointly decided to kill the deceased. Accordingly, on the occurrence day, the 1st



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petitioner strangled the neck of deceased and others caught hold of deceased, in the result, she was killed by them. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that the petitioners were arrayed as A1 and A2 and this case was altered into Sec.302 of I.P.C. instead of under Sec.174 of Cr.P.C. He would submit that originally, her husband/A3 is the complainant in this case and the petitioners have not involved in this offence. Indeed, the deceased was not feeling well because of heavy headache and took self medicine and went to sleep and thereafter, when her husband wake up her, she did not wake up. Hence, she was brought up to hospital by the petitioners and A3, wherein she declared died. However, the post-mortem reveals that asphyxia due to ligature strangulation with head injury and death is not a natural death. Accordingly, the complaint was registered against them. He would submit that they are no way connected with the offence and they have not committed any of offence as alleged by the respondent police. He would also submit that they have been falsely implicated in this case and they will abide by any condition that may be imposed by



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this court. He would also submit that the petitioners have been suffering incarceration for more than 55 days from 24.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 3 accused involved in this case and the petitioners are arrayed as A1 and A2 and they are father and mother of deceased and on the date of alleged occurrence, they have attacked her, since the deceased having illicit intimacy with several persons and even though family members advised her not to do the same, she continued the same and tarnish image of family, thereby she sustained injury and subsequently died, but they gave a complaint stating that due to wordy quarrel on the date of alleged occurrence, thereby they attacked her and subsequently she died. Furthermore, husband of deceased conveniently suppressed the fact and lodged a complaint stating that the cause of death is not known to him. He would also submit that if they are released on bail, they would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioners.



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5. Considering the facts and circumstances and also the fact that the petitioners are father and mother of deceased and co-accused/A3 already granted bail and no previous case pending against the petitioners, the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the ***learned XVI Metropolitan Magistrate, George Town, Chennai***, 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;



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(b) the 1st petitioner shall report before the respondent police as and when required for interrogation;

(c) the 2nd petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of three months.

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

(e) the petitioners shall not abscond 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 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]*; and;

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

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- 1.The XVI Metropolitan Magistrate, George Town,
Chennai.
- 2.The Inspector of Police,
N-4 Fishing Harbour Police Station,
Fishing Harbour, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras



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T.V. THAMILSELVI, J.

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