



Crl.O.P.No.3651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2023

CORAM :

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

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Muthuvel,
S/o.Nanthan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kadathur Police Station,
Dharmapuri Dt.
(Crime No.257 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.257 of 2022 pending on the file of respondent police.

For Petitioner : Mr.Sathyaraj E.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.12.2022 for the alleged offence under Section 174 CrI.P.C. and subsequently altered into Sections 302, 201, 203 of I.P.C. in Crime No.257 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that A1 is wife of deceased and the deceased Dharmadurai was a JCB operator and a lorry driver. While so, when he went outside for his job and returned back to his house in a drunken mood, wherein, he alleged to have found that his wife having illicit intimacy with A2, which was questioned by him and also warned her. So, the petitioner along with other accused planned to murder the deceased, thereby on 04.10.2020 at about 09.00 p.m. they assaulted him, due to which he sustained serious injuries and died. Thereafter, they have transported the dead body in a car and laid down the body in Chinna Seeragapadi Railway track. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner submitted that on 05.10.2022 a dead body was found at Salem District Chinna Seeragapadi Railway track, and accordingly, Erode Railway Police Station registered the F.I.R. under Sec.174 of Cr.P.C. Later, they reported the same to the respondent police station, the offences were altered. Thereafter, they arrested A1 and A2 and based on their confession statement, they have falsely implicated this petitioner in this case. So, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 51 days from 26.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is ranked as A4. He would submit that this petitioner was arrested on 26.10.2022 for the occurrence taken place



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in the year of 2020, in which, he gave a confession statement that in the present case, A1 and A2 having illicit affair and murdered her husband and thrown the dead body in a railway track, for which he helped A1. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that this petitioner accompanied with other accused to disburse the dead body and co-accused A1 and A2 were released on bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial**



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Magistrate, Pappireddipatti, Dharmapuri Dt., 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 petitioner shall stay at Ramanathapuram District and report before the Town Police Station, Ramanathapuram daily at 10.30 a.m. for the period of two months and thereafter, he shall report before the respondent police on every Sunday at 10.30 a.m. for another period of four months;

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

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

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

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



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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.

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To

1. The Judicial Magistrate,
Pappireddipatti, Dharmapuri Dt.
2. Inspector of Police, Kadathur Police Station,
Dharmapuri Dt.
3. The Superintendent of Prison,
District Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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