



WEB COPY



Crl.O.P.No.5171 of 2023

**Crl.O.P.No.5171 of 2023**

**A.D.JAGADISH CHANDIRA,J.**

The petitioner, who was arrested and remanded to judicial custody on 04.02.2023, for the alleged offences punishable under Section 302 of IPC altered to Sections 302, 380, 201 of IPC, in Crime No.28 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Rajendran, is that his neighbour one Suseela, had informed him that his mother was found dead in her house with bleeding injuries on her head and someone had murdered her, by assaulting her with a grinding stone. Based on his complaint, a case in Crime No.28 of 2023 came to be registered for the offence under Section 302 IPC. During the course of investigation, it came to light that the accused, who was working as a Constable in Police Department, has murdered the mother of the de-facto complainant for gain and also committed theft of 16 sovereigns of gold and Rs.40,000/-. Hence the case.



Crl.O.P.No.5171 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 04.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, who is an Armed Reserve Police Constable, has committed murder of the de-facto complainant's mother for gain. He also submitted that the petitioner has been arrested very recently on 04.02.2023 and the investigation is also at nascent stage and therefore, if bail is granted to the petitioner at this stage, there is every possibility of him, interfering with the investigation and also tampering with the evidence. Therefore, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



Crl.O.P.No.5171 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Additional Public Prosecutor and taking note of the fact that the petitioner was arrested very recently on 04.02.2023 and also considering the nascent stage of investigation, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

**08.03.2023**

ham



WEB COPY



Crl.O.P.No.5171 of 2023

**A.D.JAGADISH CHANDIRA,J.**

*ham*

**Crl.O.P.No.5171 of 2023**

**08.03.2023**