



Crl.O.P.No. 5386 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 22.12.2022 for the alleged offence under Sections 147, 148, 120(b) and 302 of I.P.C. in Crime No.382 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant had developed extra-marital relationship and when the same was questioned by deceased, the petitioner along with other accused said to called him as if he had some electrical and plumbing work in a house, the deceased went there, wherein the petitioner along with other accused attacked him with deadly weapons, thereby he succumbed to injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that only on the confession statement of co-accused, the petitioner's name was included in



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the F.I.R. and he was arrayed as A2 and wife of deceased was arrayed as A3. He would submit that there is no specific overtact attributed against the petitioner and he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would submit that this is the second petition seeking for bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 19.12.2022. 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 7 accused involved in this case and the petitioner is arrayed as A2. He would submit that having illicit intimacy between co-accused and A3, when it was questioned by her deceased husband, both have joined together and planned to murder the deceased, thereby, petitioner along with other accused attacked him with deadly weapons, resulting in which, he succumbed to injuries. He would submit that A1 planned to kill the deceased and the alleged occurrence was happened on that day. He would submit that if he is released on bail, he



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would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner that having illicit intimacy between co-accused and A3, both have joined together and planned to murder deceased husband and the fact that it is a pre-planned murder, and also considering the fact that if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

21.03.2023

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