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Crl.O.P.No.6418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6418 of 2023

Mohan @ Karimbai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.

(Crime No.35 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.35
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2023 for the offences under Section 302 of IPC @ Sections 302, 201 and 120(B) of IPC, in Crime No.35 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Malliga, is that A1 had developed illicit intimacy with her daughter-in-law, who is the wife of her younger son Loganathan/victim. On knowing the same, the victim had reprimanded A1, not to come to his house and to severe their relationship. Due to which, on 26.01.2023, the accused have committed the murder of the victim, by stabbing him with knife. Based on the complaint given by the *de-facto* complainant, a case in Crime No.35 of 2023 came to be registered for the offence under Section 302 of IPC. Later, during the course of investigation, it came to light that A1 had conspired with other accused and committed the murder of the victim and thrown the corpse in a water body. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and he has been falsely roped in this case. He further submitted that the petitioner and the deceased were close friends and the petitioner never had an illegal contact with the wife of the deceased and he has been implicated only based on the suspicion. He further submitted that the co-accused has been granted bail by this Court in Crl.O.P.No.5911 of 2023 vide order dated 14.03.2023. He also submitted that the petitioner is in judicial custody from 27.01.2023 and hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1) was having an illicit intimacy with the wife of the victim and since, the victim had scolded him to sever their relationship, A1 enraged over the same, conspired together with other accused to do away with the victim, had taken the victim to a secluded place and committed murder of him and thrown his corpse into the water body. He further submitted that the investigation is still pending and hence, he opposed for grant of bail.



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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by the petitioner and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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.I, Krishnagiri** 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 petitioner shall stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30 a.m and 5.30p.m., until further orders ;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

23.03.2023

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To

- 1.The Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
3. The Central Prison,
Salem.
4. The Inspector of Police,
C-1 Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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