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Crl.O.P.No.6400 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023, for the alleged offences punishable under Section 302 of IPC in Crime No.108 of 2023, seeks bail.

2. The case of the prosecution is that the A1, who is the wife of the deceased, has an illicit intimacy with A2, due to which, A1 & A2 along with other accused, who are the friends of A2, had preplanned to do away with the husband of A1 and thereby, on 19.02.2023, they have committed murder of him. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of A2. He further submitted that even as per the de-facto complainant, in the house of the deceased, he had



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seen two persons in a suspicious manner and also submitted that even the name of the petitioner does not find place in the First Information Report and the complaint was lodged only against A1. He also submitted no material evidence is available as against the petitioner, to implicate him in this case. He further submitted that the petitioner is in custody from 21.02.2023 and he is ready to abide by any stringent conditions that may be available as against the petitioner. 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, who is arrayed as A3 in this case and A4 are the friends of the second accused. He further submitted that the second accused had an illicit intimacy with the first accused, wife of the deceased, due to which, the first and second accused, along with petitioner and A4, had committed murder of the husband of the first accused/deceased by smothering and strangulating him. He also submitted that the specific overt act attributed as against the petitioner is that he had caught hold the leg of the victim. He also submitted that the



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petitioner was arrested very recently on 21.02.2023 and also the investigation is at initial stage, thereby, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side) that the investigation is at nascent stage and also taking note of the fact that the petitioner was arrested very recently, this Court is not inclined to grant bail to the petitioner for the present.

7. Accordingly, this Criminal Original Petition stands dismissed.

23.03.2023

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