



CrI.O.P.No.6789 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 19.02.2023, in connection with Crime No.572 of 2022, registered under Section 174 Cr.P.C and altered for the offence punishable under Sections 120(B), 147, 201, 302 & 363 of IPC, on the file of the respondent police, seeks bail.

2. The *de-facto* complainant, Harish Shanawaz has lodged a complaint stating that on 21.12.2022 at about 10.30 p.m., his relative one Imran Basha/A1 had informed him that his father/victim, who had travelled along with A1, who is the son-in-law of victim's younger brother, has suffered fits and chest pain, therefore, he was taken to Deepam Hospital, Guduvancherry, where, he was informed that the victim was declared brought dead. Based on his complaint, a case in Crime No.572 of 2022 was registered by the respondent Police under Section 174 Cr.P.C. During the course of investigation, it came to light



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that the victim/deceased, who was a former M.P and also appointed by the State Government as the Vice-Chairman of the Tamil Nadu State Minorities Commission, had given a sum of Rs.15 lakhs to A1, whereas, A1 did not repay the amount. Further, there exists a property dispute and other issues between the victim and his younger brother's family, due to which, the accused have a grudge over the victim. Thereby, A1, who had borrowed the money from the victim, under the guise of repayment of the same, has taken the victim to Chengalpattu and on the way, he along with his friends, father-in-law and his wife, had committed murder of the victim by smothering and strangulating his neck. Thereby, the case has been altered to one under Sections 120(B), 147, 201, 302 & 363 of IPC. Hence the case.

3. Mr.L.Kodiyarasan, the learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely roped in this case, since she happens to be the wife of A1. He further submitted that other than being the wife of A1, the petitioner has no connection with the offence. He also submitted that the petitioner is a



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Dentist by profession and she is the daughter of A6 and the wife of A1 and the deceased/victim is none other than her father's brother. He further submitted that though the husband of the petitioner (A1) was arrested immediately on 30.12.2022, the petitioner was arrested only on 19.02.2023, i.e., after 50 days of A1's arrest, based on a new theory propounded by the prosecution and she is in custody for more than a month. He further submitted that the investigation in this case is almost completed and the co-accused one Thoufee Ahamed was granted bail by this Court in Crl.O.P.No.6281 of 2023 vide order dated 23.03.2023. 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 (A7) is the wife of the main accused A1 and also submitted that it is a case of preplanned murder committed by the accused, on account of the money dispute and some other family issues. He further submitted that A1, who had borrowed a sum of Rs.15 lakhs from the victim and later, under the guise of returning the money, he had taken the victim in his car and as earlier



planned with other accused, he had stopped the car, thereby, the other accused had entered into the car and committed murder of the victim by smothering and strangulating his neck. He also submitted that the petitioner, who is the relative of the victim is very well aware of the pre-plan of the other accused to commit the murder of the victim and she is the person, who had handed over a sum of Rs.1 lakh to the hirelings for executing the murder. He further submitted that since, the petitioner is an influential person, if she is released on bail, there is every possibility of her to interfere with the investigation and she would also tamper with the evidence. He also submitted that the respondent has only after getting the *prima facie* materials against the petitioner, had arrested the petitioner on 19.02.2023. He further submitted that the investigation is at premature stage, hence, he prayed for dismissal of the petition.

5. Mr.R.John Sathyan, learned Senior Advocate appearing for the Intervener submitted that it is the case of murder, committed after a deep-rooted conspiracy and the accused have also taken the victim into confidence that they are returning his money and he had innocently



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accompanied them, during such time, the accused have committed the murder. He also submitted that it is a very pathetic case, where the victim was murdered on the day prior to his son's marriage. He further submitted that the marriage of the de-facto complainant, victim's son, is now fixed by next month and at this stage, if bail is granted to the petitioner, there will be every possibility of the petitioner interfering with the marriage and creating problem during his marriage. Hence, he opposed for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and taking note of the fact that the petitioner has been arrested very recently on 19.02.2023 and also considering that the investigation with regard to



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her involvement is at very nascent stage, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed for the present.

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Note : Issue order copy on 10.04.2023



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