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Crl.O.P.No.8782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8782 of 2023

Mohan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

Crime No.342 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.342 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

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 04.02.2023 for the offences punishable under Sections 302 and 201 of IPC in Crime No.342 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Ramasamy is that his brother Iyar @ Rajasekar was married to one Vijayalakshmi/A1 about 18 years ago and they have two children. While so, the said Vijayalakshmi/A1 developed illicit intimacy with one Mohan, the petitioner herein and his brother had reprimanded her and later, his brother was found missing. Based on the complaint given by the defacto complainant, a “Man Missing” case in Crime No.342 of 2022 was registered by the respondent Police on 29.05.2022. During the course of investigation, it came to light that since the deceased had reprimanded the illicit intimacy of his wife, she along with the petitioner herein had committed the murder of Iyar @ Rajasekar, thereby, the case has been altered to one under Sections 302 and 201 of IPC. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, based on the suspicion. He further submitted that since there was a dispute between Iyar @ Rajasekar and his wife/A1, the petitioner has been unnecessarily roped-in in this case. He further submitted that A1 has been arrested and later she has been released on bail. He further submitted that the investigation has been completed and the final report has been filed before the Judicial Magistrate No.I, Cuddalore. He also submitted that the petitioner is in judicial custody from 04.02.2023, 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 along with other accused, on account of illicit intimacy, had committed the murder of Iyar @ Rajasekaran. He further submitted that the investigation has been completed and the final report has been filed before the Judicial Magistrate No.I, Cuddalore. However, he opposed for grant of bail to the petitioner.



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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 the learned counsel on either side and also considering the period of incarceration undergone by 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 separate 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, Cuddalore** 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;

[b] the petitioner shall stay at Tiruvannamalai and report before the Inspector of



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Police, Tiruvannamalai Town Police Station, daily at 10.30 a.m., for a period of four weeks and thereafter, report before the Judicial Magistrate No.I, Cuddalore, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the date fixed by the learned Magistrate;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

21.04.2023

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To
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1. The Judicial Magistrate No.I,
Cuddalore.
2. The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
3. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
4. The Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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