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Crl.O.P.No.9038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9038 of 2023

B.Egambaram

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Anaicut Police Station,
Chengalpattu District.

(Crime No.90 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.90 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.K.K.N.Ganeshan

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



Crl.O.P.No.9038 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2023, in connection with Crime No.90 of 2023 registered under Section 174 Cr.P.C. and later, altered for the offences punishable under Section 302 of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Kuppan, is that his son Vivek/deceased got married to one Jagatheeshwari, 11 years ago and they have got two children and since, his daughter-in-law was having illicit affair with some other persons, there was a frequent quarrel between his son and daughter-in-law. While so, on 25.03.2023, the de-facto complainant's son was found dead in a suspicious circumstances. Based on the complaint given by the de-facto complainant, a case in crime No.90 of 2023 came to be registered under Section 174 of Cr.P.C. Later, during the course of investigation, it came to light that the daughter-in-law of the de-facto complainant joint together with her paramour/petitioner herein, had committed murder of the victim. Thereby, the case has been altered to one under Section 302 of IPC. Hence the case.



Crl.O.P.No.9038 of 2023

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the de-facto complainant, on suspecting that his daughter-in-law was having an illicit affair with the petitioner, had implicated the petitioner in this case and only due to the suspicion, the petitioner was arrested. He also submitted that other than the confession statement alleged to have been recorded from the petitioner, no other materials are available to connect the petitioner to the crime. He further submitted that the petitioner is in custody from 26.03.2023 and the major part of the investigation is also over. Therefore, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the de-facto complainant's daughter-in-law was having an illicit affair with the petitioner and when it was reprimanded by the de-facto complainant's son/victim, the accused have joint together and had committed murder of the victim by strangulating his neck. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.9038 of 2023

WEB COPY

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 and 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 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, Cheyyur**, 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 Madurai and report before the Inspector of Police, Otthakadai



Crl.O.P.No.9038 of 2023

Police Station, everyday at 10.30 a.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.

26.04.2023

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Crl.O.P.No.9038 of 2023

WEB COPY

To

1. The Judicial Magistrate,
Cheyyur.
2. The Sub-Inspector of Police,
Anaicut Police Station,
Chengalpattu District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Otthakadai Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9038 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.9038 of 2023

26.04.2023