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Crl.O.P.No.12400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.12400 of 2023

Shanmugam

... Petitioner

Vs.

State represented by
The Inspector of Police
Anaicut Police Station
Vellore District

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.37 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on **18.04.2023** for the offence punishable under Section 174 Cr.P.C. @ into
Section 302 IPC, in Crime No.37 of 2023 on the file of the respondent
police, seeks bail.



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2. The case came to be registered on the complaint given by one Siva that on 18.04.2023, his sister Malar was found dead in a suspicious circumstances. Initially, the case was registered under Section 174 Cr.P.C. and during the course of investigation, it came to light that the petitioner had relationship with the said Malar who was a Widow. Since the said Malar was having relationship with several other persons, the petitioner had advised her to sever the relationship with other persons. However, she refused the same and hence, the petitioner took her to a secluded place and murdered her and thrown the body away in order to screen the evidence. Hence, the case was altered into Section 302 IPC.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that there is no eye witness to the occurrence and the petitioner has been arrested in this case only on suspicion and that the petitioner has been suffering incarceration from 18.04.2023. He would also submit that there is no previous case against the petitioner and that the major part of investigation is completed. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner was having relationship with the deceased Malar who was a widow. The said Malar was having relationship with several other persons and hence, the petitioner reprimanded her to sever the relationship with other persons which was not agreed by the said Malar. Hence, the petitioner took her to a secluded place and murdered her. He further submitted that the investigation is pending and there are enough materials to show that the petitioner only committed the murder of the said Malar.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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.V, Vellore** 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 Chidambaram and report before the Inspector of Police, Town 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 petitioners 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]***;



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

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To

1. The Judicial Magistrate No.V,
Vellore
- 2.The Inspector of Police
Anaicut Police Station
Vellore District
3. The Central Prison, Vellore
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
Town Police Station, Chidambaram



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A.D.JAGADISH CHANDIRA,J.,

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