



CrI.O.P.No.12936 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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

CrI.O.P.No.12936 of 2023

Rajak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram,
Kallakurichi District.

(Crime No.94 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.94 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.D.Senthur Kugan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2023, for the offence punishable under Sections 302 & 201 of IPC, in connection with Crime No.94 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Sneha, is that his brother, Thangadurai/deceased was having illegal relationship with one married women named Vijipriya/A1, whose husband was working in abroad and the de-facto complainant had also reprimanded both her brother/deceased and A1. Further, on 11.04.2023, the de-facto complainant's brother/deceased went to the house of A1 and he did not come back, while so, on 13.04.2023, she had received an information that her brother's dead body was lying inside the sack with injuries on the neck, which was floating on the pond. Based on her complaint, a case in Crime No.94 of 2023 was registered for the offence under Sections 302 & 201 IPC. Later, during the course of investigation, it came to light that the first accused, who was the paramour of the deceased, had developed illegal relationship with the present petitioner, and when it was questioned by the



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victim/deceased, the accused had taken him to a secluded place and committed murder of him by stabbing with knife and also to screen his body, kept the same inside the sack and threw the body in the pond. 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. He further submitted that there is no eye witness to the occurrence and the petitioner was arrested only based on the suspicion and also based on the confession statement recorded from the first accused. He also submitted that major part of the investigation is over and the petitioner is in custody from 14.04.2023. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioner along with A1 had committed murder of the de-facto complainant's brother. He further submitted that as per the prosecution, A1 was having illegal



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relationship with the victim/deceased and subsequently, she had developed relationship with the petitioner herein and when it was questioned by the victim/deceased, the accused had conspired together and committed murder of him and to screen his body, threw the same in the pond. He also submitted that investigation in this case is pending, therefore, 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 entire 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 taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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**



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Principal Session Judge, Villupuram, 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 Tenkasi and report before the Inspector of Police, Tenkasi Police Station, everyday at 10.30a.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.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Principal Session Judge,
Villupuram.
2. The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram,
Kallakurichi District.
3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.

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