



WEB COPY



Crl.O.P.No.13419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13419 of 2023

Ankit Kumar

... Petitioner

Vs.

State rep by
The Inspector of Police
Perundurai Police Station,
Erode District.
Crime No.105 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.105 of 2023 on the file
of the respondent police.

For Petitioner : Mr.T.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.04.2023 for the offences punishable under Section 174 Cr.P.C @
Section 302 of IPC in Crime No.105 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant/

Senthil is that on 13.02.2023, he had seen a body of woman lying dead with maggots and since he was unable to identify the lady, he has given a complaint. Based on his complaint, a case in Crime No.105 of 2023 has been registered for the offence under Section 174 Cr.P.C. During the course of investigation, it came to light that the victim was the wife of the friend of the petitioner and there was an illicit affair, due to which, the petitioner had committed the murder and thrown the body. Thereby, the case was altered to one under Section 302 of IPC. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner, who is a native of Uttarpradesh, is working at Coimbatore and that other than the alleged confession stated to have been recorded from the other accused, there is absolutely no material as against the petitioner. He also submitted that the petitioner is in custody from 11.04.2023 and that the major part of the investigation has been completed. Hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a native of Uttarpradesh and he had developed illicit intimacy with his friend's wife one Reshma, due to which, the petitioner had taken the victim to a secluded place and committed the murder and thrown out the body. He further submitted that from the materials would show that the petitioner was last seen with the deceased and that the investigation is still pending. Hence, he 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 materials available on record including the FIR.

6. Taking into consideration the 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 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties, out of which, one should be a blood related**



surety of the petitioner, each for a like sum to the satisfaction of the learned Judicial Magistrate, Perundurai 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 report before the respondent Police, everyday at 6.30 p.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]*;

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

19.06.2023

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To

1. The Judicial Magistrate,
Perundurai.
2. The Inspector of Police
Perundurai Police Station,
Erode District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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