

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14192 of 2023

Shankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
S-9 Palavanthangal Police Station,
Chennai - 600 114.

(Crime No.66 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.66 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner	:	Mr.Maha Vishnu for Mr.R.Thamarai Selvan
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2023, for the alleged offences under Section 302 of IPC, in Crime No.66 of 2023, registered on the file of the respondent police, seeks bail.

2. Based on the complaint given by one Jeyakrupa that her brother was missing, a “Man Missing” case in Crime No.66 of 2022 was registered by the respondent Police on 21.03.2023. Later, during the course of investigation, through the call records, the respondent Police have traced one Bakkiyalakshmi/A1, who was indulged in a flesh trade and based on her confession, it came to light that there was a relationship between A1 and the deceased/victim and both of them got married and lived together. While so, the deceased/victim had humiliated A1, by saying that she is a prostitute, thereby, A1 being humiliated by the deceased, she had joined together with two other accused and planned to do away with him. Thereby, on 19.03.2023, at A1's house at Pudukottai District, the accused persons had committed murder of the *de facto* complainant's brother and to screen the body, they have cut the body into pieces and burnt it in the Kovalam sea

shore. Thereby, the case has been 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 also submitted that only based on the confession statement recorded from the first accused, the petitioner was arrested in this case. He further submitted that other than the confession statement, there is no material to implicate the petitioner to this crime. He further submitted that even as per the prosecution, there is no intention or motive on the part of the petitioner to commit the murder of the deceased/victim and the petitioner has no connection with him. He also submitted that major part of the investigation in this case is over and the petitioner is in custody from 05.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that A1/Bakkiyalakshmi, who was engaged in flesh trade, was having a relationship with the deceased/victim and they got

married and lived together. He also submitted that since the deceased/victim had humiliated her saying that she (A1) is a prostitute, A1 along with the petitioner (A2) and one Velmurugan, had planned to do away with the victim and had committed murder of him in her house at Pudukottai District. He also submitted that the accused persons, in order to screen the body of the deceased, had mutilated it into pieces and burnt it in the Kovalam sea shore. He further submitted that the presence of the petitioner at the scene of crime has been proved by the CDR files. He also submitted that there is the likelihood of transferring the case from the respondent Police to Ponnamaravathi Police Station, Pudukkottai. He also submitted that the investigation in this case 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 Police and perused the materials available on record including CDR file.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides and also

taking note of 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 each 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, Alandur**, 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 10.30 a.m., until further orders. Further, in the event of the case being transferred to the Ponamaravathi Police Station, the petitioner shall appear before the Inspector of Police, Ponamaravathi Police Station, for the purpose of enquiry;

[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.

27.06.2023

To

1. The Judicial Magistrate No.I,
Alandur.
2. The Inspector of Police,
S-9 Palavanthangal Police Station,
Chennai - 600 114.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Ponamaravathi Police Station,
Pudukottai District.

Crl.O.P.No.14192 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.14192 of 2023

27.06.2023