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Crl.O.P.No.21492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21492 of 2024

Sathiyavel S

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No. 649 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 649 of 2023 on the
file of the respondent Police.

For Petitioner : Mr.Prasanth Narayanan PM

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.06.2024, for the alleged offence punishable under Sections 302 & 201



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of IPC, 1860 in Crime No.649 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the deceased was found dead in the Vattaru Canal, his wife and relatives took the dead body and buried it without informing anyone. Some of the deceased person's relatives suspect it could be a case of doubtful death. Initially the case was registered in Crime No.649 of 2023 under Section 176 of IPC. During investigation, it came to know that there was an illegal affair between the first petitioner and the second petitioner. When it was questioned by the deceased, the petitioner along with other accused persons attacked the deceased with stones, causing death and thereafter, they took the body to the nearby river. Thereby, the case has been altered to the offence punishable under Section 302 & 201 of IPC.

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 has not committed any offence as alleged in the FIR. He further submit that the co-accused/A1 was released on bail in CMP.No.587 of 2024



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dated 04.03.2024. He further submit that the petitioner was arrested and is in judicial custody for more than 65 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 2 accused in this case and the petitioner herein is arrayed as A2. He further submit that A1 is the wife of the deceased. A1 and A2 had an illegal affair, and when it was questioned by the deceased, on the date of the alleged occurrence, the petitioner along with other accused persons attacked the deceased with stones, causing death. Thereafter the body was taken near the river, as the deceased was dead, while drunk. On seeing this, the Village Administrative Officer, has given a complaint, based on which, FIR was registered. He further submitted that the investigation is almost completed. He further submit that the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and also considering the period of incarceration undergone by the petitioner, investigation was also completed, and taking into the fact that the co-accused was also released on bail, and considering that there is no previous cases pending against the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 Judicial Magistrate, Harur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate on all working days at 10.30 a.m., until further orders.



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[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 absconds, a fresh FIR can be registered under Section 269 BNS.

03.09.2024

drl



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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate,
Harur.
- 2.The Inspector of Police,
Harur Police Station,
Dharmapuri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

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