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Crl.O.P.No.26415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

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

Crl.O.P.No.26415 of 2024

Z.Muthahar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Ooty Town West Police Station,
Nilgiris District.
(Crime No. 154 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.154 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 31.08.2024, for the alleged offences punishable under Section 174(3) of



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IPC @ 302 of IPC, in Crime No.154 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the daughter of the defacto complainant. The deceased got married to the brother of the petitioner. On 23.06.2024, at about 6.30 p.m., when the deceased talked to the defacto complainant and told that she had work in the house, later at 7.30 p.m, the deceased's mother-in-law informed the defacto complainant that the deceased had fits and thereby admitted in the hospital and was died. Initially the case was registered in Crime No.154 of 2024 under Section 174(3) of Cr.P.C. During investigation, it came to know that the deceased had witnessed the illicit relationship between her mother-in-law and one Kaliff, due to which, he brought cyanide and her mother-in-law mixed it in the food of the deceased, for which, the deceased died. Therefore, the case has been altered to the offence punishable under Section 302 of IPC.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this



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case. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was also released on bail. He would further submit that the petitioner was arrested and is in judicial custody from 31.08.2024, 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 the deceased is the daughter of the defacto complainant. The deceased got married to the brother of the petitioner. Due to illegal intimacy of the deceased mother-in-law with one Kaliff, due to which, he brought Cyanide and her mother-in-law mixed it in the food of the deceased, and later she died. He further submits that the investigation was completed and the charge sheet was also filed and now the case was also taken on file in PRC.No.20 of 2024. Hence, he opposed to grant bail to the petitioner.

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



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6. Considering the nature of offence, investigation was completed and the charge sheet was also filed and now the case is pending for committal, co-accused were already released on bail, considering the period of incarceration undergone by the petitioner from 31.08.2024, 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 learned Judicial Magistrate, Udhagamandalam, 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.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.10.2024

drl

To

- 1.The Judicial Magistrate,
Udhagamandalam
- 2.The Inspector of Police,
Ooty Town West Police Station,
Nilgiris District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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