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CRL O.P. No.27145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.27145 of 2024

Marimuthu S/o.Murugan

... Petitioner /Accused

Vs

State rep. by:-

The Sub-Inspector of Police,
Tholasampatti Police Station,
Salem District.
[Cr. No.131 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.131 of 2024 on the file of the respondent police.

For Petitioner : Mr. K. Prabhakaran

For Respondent : Mr. S. Balaji

Government Advocate (Criminal side)

ORDER

The petitioner/Accused, who was arrested and remanded to judicial



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custody on 21.08.2024 for the offences punishable under Sections 103(1), 303(2), 331(4), 305(a) and 238(a) of B.N.S. on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.08.2024 at about 12 p.m., when the deceased was sleeping at her house, the accused persons have committed murder by pressing the pillow upon her face and they have stolen the earrings, nose rings, gold coin and the dead body was wrapped in a bag and on the next day, they have thrown the dead body into the river at Paramathivellore. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case for the alleged offences under Sections 103(1), 303(2), 331(4), 305(a) and 238(a) of B.N.S. and the petitioner was arrested and remanded to judicial custody on 21.08.2024, that the petitioner is no way connected with the above said crime, that initially the case was filed as 'woman missing' and further, alteration report was filed by the respondent police and there is no any



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specific allegation in the alteration report as against this petitioner, that already this Court dismissed the earlier bail application and that this petitioner is in judicial custody for the past nearly 85 days since 21.08.2024 and he is a sole bread winner of his family and he is ready to furnish solvent sureties in the event of his release on bail and hence he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that there are totally 3 accused in this case, that this petitioner is A3. The petitioner along with other accused has committed murder and they have stolen the earrings, nose rings, gold coin and the dead body was wrapped in a bag and on the next day, they have thrown the dead body into the river at Paramathivellore. Initially the case was registered under Section 'woman missing'. Thereafter, alteration report was filed for the offences under Sections 103(1), 303(2), 331(4), 305(a) and 238(a) of B.N.S. as against the accused. This petitioner was working under A1 and he has only sealed the body and thrown into the river and he has actively participated in the commission of crime. A1 and A2 were



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detained under Goondas Act. Hence he objected to grant bail to the petitioner. However, he admitted that the investigation is almost completed.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that investigation is almost completed, that already the prime accused A1 and A2 were detained under Goondas Act, that no previous case is pending against the petitioner and considering the incarceration period of the petitioner from 21.08.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Omalur** and on further conditions that:



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[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 or tamper with the evidence;

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

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

P.DHANABAL,J
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01.10.2024