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Crl.O.P.No.28757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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

Crl.O.P.No.28757 of 2024

Poongodi

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Kiliyanur Police Station,
Villupuram District.
(Crime No.696 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in Crime No.696 of 2024, on the file of the respondent Police.

For Petitioner : Mr.G.Ezhilbalaji
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 10.10.2024, seeking bail in Crime No.696 of 2024 registered for the offence under Section 103(1) of BNS and later altered into Sections 103(1), 61(2) & 238 of BNS.



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2. The case of the prosecution as per the de facto complainant/Krishnan is that on 08.10.2024, at 5.00 a.m., he received information that his brother Ruthrakumar/deceased was lying dead near Tindivanam to Pondicherry National Highway road and he immediately went to the spot, where, he had seen his brother's body with cut injuries and fracture covered with sack. Based on his complaint, a case in Crime No.696 of 2024 came to be registered under Section 103(1) of BNS by the respondent Police. Later, during the course of investigation, it came to light that the de facto complainant's brother/deceased had developed illicit intimacy with the wife of the first accused and on coming to know about the same, the first accused along with other accused conspired together and make him unconscious by giving sleeping tablets to him and murdered him by attacking with wooden log and iron pipe. Thereafter, thrown his body in the National Highways road. Therefore, the case has been altered to one under Sections 103(1), 61(2) & 238 of BNS.

3. Learned Counsel appearing for the petitioner submitted that the petitioner/A4 is an innocent person and she has been falsely implicated in this



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case, since she happened to be the friend of the second accused. He further submitted that the petitioner had nothing to do with the alleged offence and she is in custody from 10.10.2024, Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the victim/deceased had developed illicit intimacy with the wife of the first accused and thereby, he along with other accused conspired together and committed murder of the victim and thrown his body in the National Highways. He also submitted that the petitioner/A4 is the friend of the main accused, who had assisted the other accused in committing the crime. He further submitted that the investigation in this case is almost completed.

5. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record including the respondent's Counter.



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6. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that the investigation in this case has almost been completed and also considering 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 her executing a bond for a sum of **Rs.15,000/- (Rupees fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Vanur, Villupuram**, 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 stay at Chennai and report before the Inspector of Police, F1-Chintadripet Police Station, everyday at 10.30 a.m., until further orders;

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



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[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 petitioners 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

18.11.2024

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To

1. The Judicial Magistrate,
Vanur, Villupuram.
2. The Station House Officer,
Kiliyanur Police Station,
Villupuram District
3. The Superintendent,
Women Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
F1-Chintadripet Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA., J.

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