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Crl.O.P.Nos.31367 & 31396 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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

Crl.O.P.Nos.31367 & 31396 of 2024

Arulmozhi ... Petitioner in Crl.O.P.No.31367 of 2024

Saravanan ... Petitioner in Crl.O.P.No.31396 of 2024

Vs.

The State represented by,
The Station House Officer,
Kachirapalayam Police Station,
Kallakurichi District.

(Crime No.403 of 2024). ... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.403 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.M.Senthil Kumar
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

Petition seeking bail in respect of Crime No.403 of 2024 registered under Section 194 of BNSS and later altered for the offences punishable under Section 103(1) of BNS, is on board for consideration.



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2. The incarceration of the petitioners/A1 & A2 being from 17.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioner/A1 in Crl.O.P.No.31367 of 2024 is the wife of the deceased/victim and the victim was an alcoholic, who used to drink continuously. He further submits that on the alleged date of occurrence, the victim died due to his drinking habit and even in the complaint given by the de facto complainant, it is stated that the victim was a drunkard, whereas, later, due to the intervention of the relatives, the petitioners have been implicated in this case as if they have committed the murder since there was an illegal affair between them. He also submits that the petitioners are in no way connected with the alleged offence and the petitioners have no intention or motive to murder the victim/deceased. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that initially, based on the complaint given by



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the de facto complainant, brother of the deceased/victim the present case came to be registered under Section 194 of BNSS and later, during the course of investigation, it came to light that the wife of the victim/A1 along with her friend/A2 had murdered the victim by smothering him with a pillow. Thereby, the case has been altered to one under Section 103(1) of BNS. He further submits that major part of the investigation is over.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counters filed by the respondent Police and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 No.I, Kallakurichi District**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the Magistrate



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner in Crl.O.P.No.31367 of 2024 shall stay at Attur and report before the Inspector of Police, Attur Town Police Station, everyday at 10.30a.m., until further orders;

[c] the petitioner in Crl.O.P.No.31396 of 2024 shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30 a.m., until further orders;

[d] It is made clear that both the petitioners shall not enter into the jurisdictional limits of the respondent Police, until further orders;

[e] the petitioners shall not abscond either during investigation or trial;

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[g] 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]***;

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



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To

1. The Judicial Magistrate No.I,
Kallakurichi District.
2. The Station House Officer,
Kachirapalayam Police Station,
Kallakurichi District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Superintendent,
Central Prison (Women), Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Attur Town Police Station,
Attur.
6. The Inspector of Police,
Chengalapattu Town Police Station,
Chengalapattu.



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A.D.JAGADISH CHANDIRA.,J.

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