

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5703 of 2021

Balaji

... Petitioner

Vs.

State, rep. by
The Sub Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.94 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.94 of 2021, on the file of respondent Police.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioner who was arrested on 06.03.2021 for the offence under Section 174(3) of Cr.P.C. altered to Section 306 of I.P.C. in Cr.No.94 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused instigated the deceased to commit suicide. The petitioner is arrayed as the first accused in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been implicated in this case.

4.Heard the submissions made by the learned Additional Public Prosecutor.

5.Considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6.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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar and on further condition 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 report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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 229-A IPC.

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

M.DHANDAPANI,J.
pri

To

1.The Sub Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.94 of 2021)

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



CrI.O.P.No.5703 of 2021

WEB COPY

07.04.2021