



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE M.DHANDAPANI

Crl.O.P.No.24798 of 2021

A.Baskar

... Petitioner

Vs.

State rep. By  
The Inspector of Police,  
Guindy Police Station,  
Chennai District.  
Crime No.779 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in the case in Crime No.779 of 2021 on the file of the respondent police.

For Petitioner : M/s.G.Balajivenkateswaran

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.09.2021 for the offences under Sections 174 of Cr.P.C @ 306 of IPC in Crime No.779 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the adapted son of the de-facto complainant. Due to some property dispute between the petitioner and the biological son/younger son of the de-facto complainant, the petitioner along with other accused persons harassed the deceased/younger son of the de-facto complainant, due to which, the deceased/younger son of the de-facto complainant committed suicide by hanging. Hence, the law enforcing agency registered a case against the petitioner and other accused.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused were already enlarged on bail and anticipatory bail. He furthermore submits that the petitioner has been suffering incarceration from 28.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that this is the 3<sup>rd</sup> bail application filed by the petitioner and this Court has already dismissed the earlier bail applications filed by the petitioner. He further submitted that the case is under investigation. Further he also did not dispute the fact that the co accused were already enlarged on bail and anticipatory bail. However, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, and since the co-accused were already enlarged on bail, considering the change of circumstance pointed out by the learned counsel for the petitioner and considering the period of incarceration suffered by the petitioner, this Court is 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, each for a like sum to the satisfaction of the learned IX Metropolitan Magistrate at Saidapet 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 is directed to appear 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.

WEB COPY

-sd/-  
17/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,  
NO.IX, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
INSPECTOR OF POLICE,  
GUINDY POLICE STATION, CHENNAI

4 THE SUPERINTENDENT,  
CENTRAL JAIL, PUZHAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.G.BALAJIVENKATESWARAN Advocate on payment of  
necessary charges SR.NO.15063

CRL OP.24798/2021

Date :17/12/2021

JPA 20/12/2021