



Crl.O.P.No.23685 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.23685 of 2022

Balakrishnan

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.

(Crime No.316 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail pending investigation in
Crime No.316 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Vijayakumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.09.2022, for the offence under Section Women Missing subsequently altered to one offence under Section 306 of IPC, in Crime No.316 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the accused are the neighbours to the victim/deceased. It is alleged that the victim had illegal intimacy with a third party and it was came to the knowledge of the accused, due to which, the victim committed suicide. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the alleged offence. He would also submit that the co-accused in this case has already been granted with bail by this Court in CrI.O.P.No.16264 of 2022 dated 13.07.2022. He would also submit that the petitioner is in custody from 15.09.2022 and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that major part of the investigation is over. However, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the co-accused has been granted with bail by this Court, this Court is inclined to grant bail to the petitioner on certain conditions.

7. 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 Judicial Magistrate No.II, Panruti**, and on further conditions that:



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[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., for a period of two weeks and thereafter, as and when required for interrogation;

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

[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 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.II,
Panruti.
2. The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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