



Crl.O.P.No.5620 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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

Crl.O.P.No.5620 of 2023

Mohanraj

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Kundadam Police Station,  
Tiruppur.

(Crime No.306 of 2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail, in connection with the Crime  
No.306 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 21.12.2022 for the offences under Section 174 Cr.P.C. @ 302 of IPC, in Crime No.306 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/Mohanraj S/o.Manickam had an illicit intimacy with one Anitha, due to which, a male child named Dinesh was born. Thereafter, the said Anitha was given in marriage to another person named Mohanraj S/o. Kalimuthu and out of their wedlock, she delivered another child. The petitioner, who was having grudge over the said Anitha, has committed murder of their child Dinesh, by thrusting his face inside the water tub. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, only based on the information given by one Anitha, that her son Dinesh was found dead in water tub, the complaint was given by one Veeran, uncle of the child. He



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also submitted that the petitioner has been implicated in this case only based on the suspicion, whereas, the petitioner is not responsible for the said offence. He also stated that the petitioner is in custody from 21.12.2022 and he is ready to abide by any stringent conditions that may be imposed on him. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, earlier had in illicit affair with the mother of the child/Anitha and subsequently, she was given in marriage to another person and the petitioner, antagonized over the same have committed murder of the child Dinesh. He further submitted that the case has been registered based on the information given by the said Anitha. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also



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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 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, Dharapuram**, 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 Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station, everyday at 10.30a.m. and 5.30p.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;**

[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;



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[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]***;

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

**09.03.2023**

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To

1. The Judicial Magistrate,  
Dharapuram.
2. The Inspector of Police,  
Kundadam Police Station,  
Tiruppur.
3. The Central Prison,  
Coimbatore.
4. The Inspector of Police,  
Tiruppur Town Police Station,  
Tiruppur.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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