



Crl.O.P.No.9111 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9111 of 2023

Balakrishnan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Vikravandi Police Station,  
Villupuram District.

(Crime No.117 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.117 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.M.P.Yuvaraj

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 09.03.2023, for the offences punishable under Section 436 of IPC, in Crime No.117 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to matrimonial dispute, the defacto complainant is living separately and on the date of occurrence, the petitioner had gone to the house of the defacto complainant, quarrelled with her and also set fire to her household articles and caused damages to the tune of Rs.1 lakh. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given on account of matrimonial dispute. He further submitted that the petitioner has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the petitioner is in judicial custody from 09.03.2023 and the major part of the investigation has been completed. Hence, he prayed for grant of bail to the



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petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner and the defacto complainant are husband and wife. He further submitted that due to matrimonial dispute, the defacto complainant is living separately and on the date of occurrence, the petitioner had gone to the house of the defacto complainant, quarreled with her and also set fire to her household articles and caused damages to the tune of Rs.1 lakh. He further submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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)**



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with **two sureties** each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Vikravandi** 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 report before the respondent Police, everyday at 10.30 a.m., 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;

[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.



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To

1. The District Munsif cum Judicial Magistrate,  
Vikravandi.
2. The Inspector of Police,  
Vikravandi Police Station,  
Villupuram
3. The Central Prison,  
Cuddalore.
4. The Public Prosecutor,  
High Court of Madras.



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

*vk*

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