



Crl.O.P.No.11754 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.05.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP**

**Crl.O.P.No.11754 of 2023**

1. Balu

S/o. Karuppan

2. Indhira

W/o. Balu

... Petitioners

**Vs.**

State represented by,  
The Inspector of Police,  
Varanjaram Police Station,  
Kallakurichi.

(Crime No.97 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners on bail in Crime No.97 of 2023 pending  
investigation on the file of the Respondent Police.

For Petitioners : Mr.D.Prasanth

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.Side)



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## **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 05.05.2023, for the offences punishable under Sections 294(b), 352 & 306 of I.P.C. in Crime No.97 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that the accused had harassed and threatened the de-facto complainant's son/Ruthrapathy, since he had stolen the duck and money from the house of the accused. Due to which, the son of the de-facto complainant had committed suicide by hanging. Hence the case.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that this case has been foisted as against the petitioners with a false motive and they are in custody from 05.05.2023. He would further submit that the petitioners are husband and wife respectively and since both of them are in prison, there is no one to take care of their girl child. Therefore, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose for grant of bail to the petitioners stating that the petitioners are neighbors of the de-facto complainant and they had abused the son of the de-facto complainant, since he had stolen the duck and money from their house. Due to which, the son of the de-facto complainant was alleged to have committed suicide and for which the petitioners were arrested on 05.05.2023.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.I, Kallakurichi, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending investigation and they shall stay at Tindivanam and report before the Inspector of Police, Tindivanam Police Station, daily at 10.00 a.m., until further orders;

(c) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial



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Magistrate/Trial Court;

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*** and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**24.05.2023**

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To

1. The Judicial Magistrate No.I  
Kallakurichi.
2. The Inspector of Police,  
Varanjaram Police Station,  
Kallakurichi.
3. The Central Prison,  
Cuddalore,
4. The Women Prison, Cuddalore
5. The Public Prosecutor,  
High Court of Madras.



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**SATHI KUMAR SUKUMARA KURUP,J.**

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