



CrI.OP.No.14619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14619 of 2023

Chandrasekar

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Sholinghur Police Station,
Ranipet District.
Crime No.138 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.138 of 2022

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2023 for the offences punishable under Sections 174 of Cr.P.C subsequently altered into Sections 302, 201 of IPC in Crime No.138 of 2022, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case registered for the offence under Sections 174 of Cr.P.C subsequently altered into Sections 302, 201 of IPC. Petitioner is the father of the deceased and he is nothing to do with the death of the deceased. Petitioner in Judicial Custody from 23.05.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) opposed the petitioner on the ground that, defacto complainant is the father-in-law of the petitioner/2nd accused. Petitioner/2nd accused, through his first wife had six year old female child. After the death of the first wife, petitioner/2nd accused married the 1st accused and living with her.



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Earlier, the deceased child was taken care by the defacto complainant.

After 2nd accused came from Army, deceased was taken care by the 2nd accused/petitioner. However, 1st accused had harassed, tortured and murdered the deceased child. Petitioner even after knowing the torture by the 1st accused, remained silent and therefore he is made an accused in this case.

4. When queried, it was informed by the learned Government Advocate (Crl. Side) that, petitioner was not at the scene of crime when the deceased child was murdered.

5. Considering the nature, facts and circumstances of the case that and it is the 1st accused who is the primary responsible for the death of the deceased and also having regard to the fact that the petitioner is in Judicial Custody from 23.05.2023 and that, substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sholingur** 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 daily 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

14.07.2023

Sma

To

1. Judicial Magistrate,
Sholingur.
2. The Inspector of Police,
Sholinghur Police Station,
Ranipet District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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