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Crl.OP.No.15011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.15011 of 2023

Suresh Kumar

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
(Crime No.169 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.169 of 2023 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.S.T.Raja

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.05.2023 for the offences punishable under Section 174 Cr.P.C.,



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subsequently altered into 364, 342, 302, 34, 201 of I.P.C., 5 (I), 5 (j) (ii), 6 of the Protection of Children from sexual offences Act, 2012 in Crime No.169 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioner submitted that the allegation against the petitioner is that he helped A1 and A2 in burying the body after the death of the deceased. Petitioner is in judicial custody from 13.05.2023. Thus, he seeks bail.

3.In response, the learned Government Advocate (Criminal Side) submitted that A1 was in love with victim girl who was aged seventeen years. Due to love affair, victim girl got conceived. A1 gave tablets for abortion of the foetus. The victim girl refused to take it. Therefore, A1 and A2 had murdered deceased Priyadarshini on 03.05.2023 by strangling her. The allegation against the petitioner is that this petitioner had helped A1 and A2 in burying the body of the deceased.

4.Considered the rival submissions and perused the records.



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5.Considering the nature of the allegations made against the petitioner and that material part of investigation in this case might have been completed by this time and that petitioner is in judicial custody from 13.05.2023, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 The Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram**, 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 at 10.30.a.m. until further orders.

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



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

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To

1.The Special Court for
Exclusive Trial of Cases under POCSO Act, Villupuram.

2.The Inspector of Police,
Kanjannur Police Station,
Villupuram District.

3.Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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