



CrI.OP.No.15229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

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

CrI.OP.No.15229 of 2023

Nathan

..Petitioner

Vs.

The State Rep by
Sub-Inspector of Police,
Vadavalli Police Station,
Coimbatore.
Cr.No.106 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner/Accused in Cr.No.106 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.R.Radha Pandian

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 24.04.2023 for the offences punishable under Sections 294 (b), 323, 313, 315 and 506 (i) I.P.C in Crime No.106 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated in Cr.No.106 of 2023 registered for the offences under Section 294 (b), 323, 313, 315 and 506 (i) I.P.C. Defacto-complainant had illicit intimacy with one Jayakumaran and got conceived. Petitioner never intended to cause hurt to the defacto-complainant much less of causing miscarriage. Petitioner is in judicial custody from 24.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that due to illegal intimacy, the defacto-complainant had with one Jayakumar, she got conceived. Petitioner kicked defacto-complainant on her stomach and caused miscarriage.



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4.Considered the rival submissions and perused the records.

5.In the nature, facts and circumstances of the case and the fact that petitioner is in judicial custody from 24.04.2023, that substantial part of the investigation should have been over by this time, this Court is inclined to grant bail to the petitioner.

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 No.6, Coimbatore**, 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



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

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To

1.The Judicial Magistrate No.6, Coimbatore.

2.The Sub-Inspector of Police,
Vadavalli Police Station,
Coimbatore.

3. Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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