



CrI.OP.No.15566 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.15566 of 2023

Balakrishnan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Moongilduraipattu Police Station,
Kallakurichi District.
Crime No.20 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.20 of 2023 on the
file of the respondent police.

For Petitioner : Mr.R.Joe Anand

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 12.05.2023 for the offences punishable under Sections 294(b), 323, 354, 506(ii) read with Section 109 of IPC @ Sections 294(b), 354, 302 read with Section 109 of IPC in Crime No.20 of 2023, 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 not involved in the alleged murder of the deceased. Petitioner is in Judicial Custody from 12.05.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) opposed the petitioner on the ground that, defacto complainant's mother had borrowed a sum of Rs. 1,40,000/- from the petitioner on 07.06.2015. Out of the said amount, defacto complainant's mother had repaid a sum of Rs.96,000/- within a month. When she tried to repay the balance amount, petitioner refused to receive the money from her and told her



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that, instead of money he wanted the land situated at Mangalam Main Road, which stands in the name of the defacto complainant's mother.

However, that was refused by her, as a result, there arose enmity in between them. On 03.03.2023, at about 09.30.a.m., accused Mahendran, who is the son of the petitioner came to the house of the defacto complainant and scolded in filthy language and claimed that, how did she ask money from him and kicked his mother and pulled her hair and banged her head against the wall. As a result, she suffered injuries and succumbed. He further submitted that, A1 in this case was released on bail by this Court.

4. Considered the rival submissions. It is seen from the FIR allegations that, petitioner, who is the second accused was not present present in the scene of crime, where the other accused caused injuries and murdered the deceased. Petitioner is in Judicial Custody from 12.05.2023 and that substantial part of the investigation might have been over by this time. Thus, this Court is inclined to grant bail to the petitioner.



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5. 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, Sankarapuram, Kallakurichi** 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



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with law as if the conditions have been imposed and the 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

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To

1. Judicial Magistrate,
Sankarapuram, Kallakurichi.
2. The Inspector of Police,
Moongilduraipattu Police Station,
Kallakurichi District.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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