



Crl.O.P.No.19604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No. 19604 of 2023

Baskar

...Petitioner

Vs.

The State Represented by,
Sub Inspector of Police,
Walajabad Police Station,
Walajabad,
Kachipuram District.
Crime No. 130 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.130 of 2023 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.06.2023 for the offences punishable under the caption Man Missing -Non Act subsequently altered into Sections 201 and 302 of IPC in Crime No.130 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, FIR in Crime No. 130 of 2023 was originally registered under the caption “Man Missing” subsequently it was altered into Sections 201 and 302 of IPC. Defacto complainant gave a complaint on 06.04.2023 alleging that, her husband was missing for the last six months. A1 was summoned by the respondent police on 26.06.2023 and on that basis, petitioner appeared for enquiry. Subsequently, he was arrested in this case. Petitioner is in Judicial Custody from 26.06.2023. Thus, he seeks bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor submitted



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that, A1, A2 and the deceased are friends. There is a previous enmity between A1 and the deceased in connection with holding the cellphone of the deceased. Therefore, they planned to murder him. They took the deceased to Oothukkadu Lake on 21.09.2022 and committed the murder and buried his body. This fact was known to the petitioner, who is the father of A1. Immediately after the incident, in order to save his son, petitioner admitted A1 in the Rehabilitation Centre at Retteri. Thus, he tried to conceal the evidence against his son, to save his son from the murder case.

4. Considering the allegations against the petitioner that, petitioner is the father of A1, who helped in concealing the evidence ie., admitted his son at Rehabilitation Centre to save his son from the murder case and also having regard to the fact that, petitioner is in Judicial Custody from 26.06.2023 and that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on bail on



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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.2, Kanchipuram 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 petitioner in accordance with law as if the conditions have been imposed and the



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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.

31.08.2023

sma

To

1. Judicial Magistrate No.2,
Kanchipuram.

2. Central Prison,
Puzhal.

3. Sub Inspector of Police,
Walajabad Police Station,
Walajabad,
Kachipuram District.

4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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