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CrI.OP.No.23875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23875 of 2023

Sakthivel

...Petitioner

Vs.

The State represented by
Inspector of Police,
Tiruvallur Taluk Police Station,
Thiruvallur District.
Crime No.359 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with the case in Crime No.359 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.V.S.Sivanupandian

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 03.08.2023 for the offence punishable under Section 302 of



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IPC and subsequently, altered to Sections 302, 201 r/w 109 of IPC, in Crime No.359 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that on 01.08.2023, the Village Administrative Officer had given a message that a male baby was found in a pond. The baby was rescued, but died. A2, who is the mother of the baby, had given birth owing to alleged illicit intimacy allegedly with the petitioner herein.

3.It is stated by the learned Government Advocate that the tissue samples have been taken from the small baby and it has been sent to the Lab for medical examination.

4.A direction is given that the petitioner should also be subjected for medical test and he should also given samples to determine the DNA to find out whether he is the father of the small baby who died. That could also be done on application being filed before the learned Magistrate.

5.Taking into consideration all these facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate No.I, Tiruvallur 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 twice at 10.00 a.m and 5.00 p.m., till such samples have been taken and thereafter, everyday, until filing of the final report;

[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



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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.

16.10.2023

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To

- 1.The Judicial Magistrate No.I, Tiruvallur.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
Tiruvallur Taluk Police Station,
Thiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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