



Crl.O.P.No.27171 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

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

Crl.O.P.No.27171 of 2023

J.Bablu @ Ganesh Babu

...Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.

(Crime No.493 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.493 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.M.R.Thangavel

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



Crl.O.P.No.27171 of 2023

WEB COPY

ORDER

The petitioner seeks bail in Crime No.493 of 2023, originally registered under Section 174 of Cr.P.C., and subsequently altered to Section 306 of IPC. The petitioner had been taken into custody on 14.10.2023.

2.The father of the deceased is the defacto complainant. It is stated that the deceased/his daughter, had a relationship with the petitioner herein and they were living together for nearly about 10 years. Thereafter, the petitioner appears to have taken up a relationship with yet another lady. It is stated that the relationship with the deceased broke up in the year 2017. The deceased was depressed and then she committed suicide on 25.07.2023.

3.The learned counsel for the petitioner states that after 2 ½ months, the provision of law was altered from Section 174 Cr.P.C., to Section 306 of IPC.

4.The previous application seeking bail had been dismissed on



07.11.2023 in Crl.O.P.No.25368 of 2023.

5.The one change in circumstance is that investigation has been completed and the respondents are confident that final report would be filed shortly before the jurisdictional Court.

6.In view of that particular fact and to give an opportunity to the petitioner to defend himself during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Magistrate Court - II, Poonamallee, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., till filing of the final report.

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



CrI.O.P.No.27171 of 2023

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.

30.11.2023

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CrI.O.P.No.27171 of 2023

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1. The Judicial Magistrate Court-II, Poonamallee.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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CrI.O.P.No.27171 of 2023

CrI.O.P.No.27171 of 2023

30.11.2023