



Crl.O.P.No.4075 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

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

**Crl.O.P.No.4075 of 2024**

R.V.Venkata Balakrishnan

...Petitioner

Vs.

State represented by  
The Inspector of Police,  
Pathirvedu Police Station,  
Thiruvallur District.  
Crime No.574 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.574 of 2023 on the file of the respondent Police.

For Petitioner : Mr.V.R.Appaswamee  
For Respondent : Mr.L.Baskaran  
Government Advocate (crl.side)

**ORDER**

The petitioner/A2 who was arrested and remanded to judicial custody on 23.12.2023 for the offences originally registered by the respondent Police under Section 174 Cr.P.C and subsequently, altered to



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Sections 364, 365 and 302 IPC in Crime No.574 of 2023, seek bail.

2.The learned counsel for the petitioner filed a memo seeking alteration of the offences in the petition. While issuing order copy, the Registry may note that the offences are Sections 174 Cr.P.C and subsequently, altered to Sections 364, 365 and 302 IPC.

3.The case of the prosecution is that the younger son of the defacto complainant did not come home till 10 p.m., on 16.12.2023. It is stated that originally FIR in Crime No.574 of 2024 was registered under boy missing on 17.12.2023 and later, they recovered the body and it was altered to Sections 364, 365 and 302 IPC.

4.The investigation has proceeded to a substantial extent. As on date, viscera report has not yet been received from the laboratory and certificate under Section 65(B) will have to be received with respect to the recovery of the data from the mobile phone.

5.It is the further case of the prosecution that A2 had instructed A1 to kidnap the deceased and later, when the boy cried, she had strangled his neck with her chudithar thuppatta. Thereafter, A1 disposed of the deceased body with the help of A3.

6.The learned counsel for the petitioner filed a memo stating that



the son of the petitioner is prepared to stand as surety to him.

7. Taking into consideration the period of incarceration and also of the fact that the investigation has been practically completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (out of which, one must be the son of the petitioner and the same must be tested by the learned Magistrate concerned), each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipoondi 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, everyday at 10.30 am., 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



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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.

11.03.2024

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To

1. The District Munsif cum Judicial Magistrate, Gummidipoondi.
2. The Central Prison, Puzhal.
3. The Inspector of Police,  
Pathirvedu Police Station, Thiruvallur District.
4. The Public Prosecutor, High Court of Madras.

**C.V.KARTHIKEYAN. J.**

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