



Crl.O.P.No.5799 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.O.P.No.5799 of 2024

Prabakaran

...Petitioner

Vs.

State represented by
The Station House Officer,
Cuddalore NT Police Station,
Cuddalore.
Crime No.304 of 2021

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.304 of 2021 on the file of the respondent Police.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.12.2023 for the offences originally registered by the respondent Police under Section 174 Cr.P.C and subsequently, altered to Sections



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450, 417, 376(2)(n), 313 & 306 IPC in Crime No.304 of 2021, seeks bail.

2.The occurrence happened on 14.05.2021 and the victim died on 15.05.2021 by committing suicide. Subsequently, the postmortem report revealed that the deceased victim was 5 to 6 months pregnant. The DNA test was conducted on the fetus as well as on the petitioner herein. It has revealed that the petitioner is the biological father of the child in the womb of the deceased.

3.The learned counsel for the petitioner stated that the father of the deceased victim had stated that the body should be given to him and it is also stated that in the alteration report filed before the Magistrate concerned, the prosecution has named two other individuals. He further stated that final report has been filed.

4.But however, the DNA test had conclusively proved that the petitioner is the father of the child in the womb of the deceased. She had also suffered 90% burn injuries and therefore, the dying declaration could not be recorded.

5.The earlier applications seeking bail in Crl.O.P.Nos.28961 of 2023 and 2003 of 2024 had been dismissed by this Court on 02.01.2024



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and 12.02.2024 respectively.

6.The one change in circumstance is that the final report had been filed and taken cognizance as P.R.C.No.18 of 2024.

7.Taking all the factors into consideration and the period of incarceration, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore 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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.304 of 2021 before the Judicial Magistrate No.II, Cuddalore and on such deposit, the learned Magistrate, may hand over the said amount to the defacto complainant. At the time of conclusion of the trial, if the



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petitioner is convicted, the trial Court may take recourse to Section 357 of Cr.P.C and examine whether any additional compensation could be paid to the defacto complainant.

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.03.2024

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To

1. The Judicial Magistrate No.II, Cuddalore.
2. The Central Prison, Cuddalore.



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3. The Station House Officer,
Cuddalore NT Police Station,
Cuddalore.

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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