



Crl.OP.No.12352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12352 of 2024

Balan

... Petitioner

Vs.

State by the Inspector of Police,
Gingee Police Station,
Villupuram District.
(Crime No.306/2024)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in relating to the case registered in Crime No.306/2024 on the file of the respondent police.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

The petitioner/A1 who was arrested and remanded to judicial custody on 04.04.2024 for the offences punishable under Sections 294 (b), 323, 324 and 506 (ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women



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Act, 2002 in Crime No.306 of 2024 on the file of the respondent police seeks bail.

2.The case of the prosecution is that there is a civil dispute between the petitioner's family and the defacto complainant's family. Hence, this complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is in no way connected with the alleged offence, and a false complaint has been foisted against him for statistical purpose. The alleged offence is said to have taken place on 03.03.2024 and the petitioner was arrested and remanded to judicial custody on 04.04.2024. He is languishing in the judicial custody since then. Hence, he seeks for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) would submit that the second accused is the petitioner's wife who is absconding. He further submitted



that there is no previous case against the petitioner and his wife.

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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is in judicial custody from 04.04.2024, this Court is inclined to grant bail to the petitioner with certain 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 learned Judicial Magistrate, Gingee 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



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Aadhar card or Bank pass Book to ensure their identity;

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[b] the petitioner shall report before respondent police everyday at 10.00 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order
mtl

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- To
- 1.State by the Inspector of Police,
Gingee Police Station,
Villupuram District.
 - 2.The Judicial Magistrate, Gingee.
 3. The Sub Jail, Gingee.
 - 4.The Public Prosecutor, High Court of Madras.



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C.SARAVANAN, J.
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