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Crl.O.P.No.26013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26013 of 2024

Rajesh

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Thirupalapandal Police Station,
Kallakurichi District.
(Crime No. 250 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.250 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 18.09.2023, for the alleged offence punishable under Section Boy missing @ 302, 201 of IPC, in Crime No.250 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.09.2023, due to illicit relationship between the petitioner and his brother's wife, for which, the petitioner had took his brother's son into his house, closed his moth strangulated his neck, and when the child fell unconscious, the petitioner kept the child into the speaker box and screwed it. Initially, the case was registered under Section Boy Missing and thereafter it was altered into Sections 302 and 201 of IPC. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to illicit relationship between the petitioner and his brother's wife, on the date of the alleged occurrence, the petitioner took his brother's son, into his house, closed his moth strangulated his neck, and when the child fell unconscious, the petitioner kept the child into the speaker box and screwed it. He further submits that the petitioner has no previous case pending against him. He further submitted that investigation was completed and the charge sheet was also filed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, investigation was completed and the case was also taken on file in SC.No.47 of 2024 by the Sessions Court, and considering the period of incarceration undergone by the petitioner, and the petitioner has no previous case pending against him, and



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also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 Judicial Magistrate, Tirukovilur, Kallakurichi District, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m.,until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or



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trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

21.10.2024

drl

To

- 1.The Judicial Magistrate,
Tirukovilur, Kallakurichi District.
- 2.The Inspector of Police,
Thirupalapandal Police Station,
Kallakurichi District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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