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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13344 of 2022

Saravanakumar

..Petitioner/sole accused

Vs.

The State rep by
The Inspector of Police,
Nallur Police Station,
Namakkal District
Crime No.26 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.27 of 2022 on the file of the learned Principal District and Sessions Judge, Namakkal in respect of crime No.26 of 2022 on the file of the respondent police.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.01.2022 in SC.No.27 of 2022 on the file of the learned Principal District and Sessions Judge, Namakkal for the offence punishable under Section 302 of IPC in respect of crime No.26 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.01.2022, the petitioner was arrested and remanded to judicial custody in case connected in the crime No.26 of 2022 on the file of the respondent police under Section 302 of IPC. On 21.01.2022 at about 05.00 p.m., when the deceased was returning from his work, his distant relative one, Saravanakumar had a verbal altercation and assaulted him, due to which he sustained injuries and succumbed to death.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the single accused. He would further submit that the petitioner and the deceased who were friends had wordy quarrel while taking liquor. At that time, the petitioner assaulted him with wooden log, thereby he sustained grievous injuries and died. He would further submit that the petitioner has no previous cases. However, he vehemently opposed to grant bail to the petitioner.

5. It is seen that even according to the case of the prosecution, the petitioner and the deceased were friends and while taking alcohol, there was a quarrel, due to which the petitioner attacked the deceased with wooden log. Since he sustained grievous injuries, he was taken to hospital, where he was declared as dead. Further, the petitioner was arrested and remanded to judicial custody on 23.01.2022. Thereafter, the respondent filed final report and the same has been taken cognizance in SC.No.27 of 2022 on the file of the learned Principal District and Sessions Judge, Namakkal.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathi 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 trial court viz., Principal District and Sessions Court, Namakkal daily at 10.30 a.m. and 05.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
PARAMATHI.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
NALLUR POLICE STATION,
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.B.MOHAN Advocate on payment of necessary charges

CRL OP.13344/2022

Date :13/06/2022

TA-14/06/2022