



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

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

Cr1.OP.No.13665 of 2022

Rajesh

..Petitioner/A1

Vs.

State by,
The Inspector of Police,
Ariyoor Police Station,
Vellore District
crime No.81 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.81 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Silambu Selvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2022 for the offence punishable under Sections 147, 148, 302, 323 of IPC in crime No.81 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that when the deceased along with his friends was consuming alcohol, the petitioner's mobile phone was missed and it was questioned by the petitioner and his friends regarding the same. On 05.04.2022, again a quarrel arose regarding the same issue and at that time, the petitioner attacked the deceased with stick on the left face of the deceased, thereby he died on the spot. Hence, the case.

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.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally five accused, in which the petitioner is arrayed as A1 and he was arrested and remanded to judicial custody on 05.04.2022. He would further submit that this petitioner attacked the deceased with stick on the left face and the deceased died on the spot. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the accused persons consumed alcohol along with the deceased and there was quarrel in respect of missing of cell phone of A2. Therefore, the petitioner attacked the deceased by stick, due to which he sustained injury and died on the spot. However, there was no previous motive.

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 No.1, Vellore 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 stay at Ulundurpet and report before the Inspector of Police, Ulundurpet Police Station, Ulundurpet daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police 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.

WEB COPY

-sd/-

15/06/2022

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 JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARIYOOR POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
ULUNDURPET.

+1CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges SR.No.9116

CRL OP.13665/2022

Date :15/06/2022

CSK 16/06/2022