



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

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

Crl.OP.No.14869 of 2022

Danush Arul @ Babloo

..Petitioner/A2

Vs.

State rep by
Inspector of Police,
M-7, Manali New Town,
No.325, Mosque Street,
Manali New Town,
Chennai 600 103
crime No.139 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.139 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.M.Mrithun Jayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2022 for the offence punishable under Sections 341, 294(b), 302 and 506(2) of IPC in crime No.139 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the husband of the defacto complainant was an auto rickshaw driver by occupation and a chronic alcoholic having the habit of drinking on a regular basis along with his friends. Therefore, in the due course of his routine, he had engaged in verbal spat with A1 under the influence of alcohol and the same eventually led to a fight between the two. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that only on considering the request of the first accused, the petitioner had offered a lift in his bike to the house of the deceased and later left the scene of crime. Therefore, the petitioner is not connected to the case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally four accused, in which the petitioner is arrayed as A2, who along with other accused persons attacked the deceased by stones. Therefore, the deceased sustained grievous injuries and died on the spot. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the first accused is the friend of the petitioner herein. Due to previous enmity, the first accused brought the deceased to his place and there, he attacked him with knife. Immediately, he fell down and thereafter, the petitioner and others attacked the deceased by stones, thereby the deceased sustained grievous injuries and died on the spot.

6. Considering the above facts and circumstances of the case and also considering 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-II, Ponneri 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 Ariyalur and report before the Inspector of Police, Ariyalur Police Station, Ariyalur 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.

-sd/-

28/06/2022

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.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II,
CHENNAI.

4 INSPECTOR OF POLICE,
M-7, MANALI NEW TOWN,
NO.325, MOSQUE STREET,
MANALI NEW TOWN,
CHENNAI 600 103

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+2 CC to M/S K.M.MRITHUN JAYAN Advocate on payment of necessary charges SR.NO. 10152

CRL OP.14869/2022

Date :28/06/2022

RW-28/06/2022