



WEB COPY



CrI.OP.No.16804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

CrI.OP.No.16804 of 2022

S Rajagopal @ Raji

..Petitioner/A1

Vs.

The State rep. By its
Inspector of Police,
Vaniyambadi Town Police Station,
Thirupathur District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with
Cr.No.135/2022 on the file of respondent police.

For Petitioner : Mr.K.Sasindran

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.06.2022 for the offence under Sections 294(b), 323, 302



CrI.OP.No.16804 of 2022

of IPC in crime No.135 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, this petitioner along with other accused persons in drunken mood had wordy quarrel with the *de-facto* complainant's grandson. When the deceased tried to prevent them, the accused persons were alleged to have pushed him on the floor and kicked him on his chest. As the deceased had fainted, he was taken to the hospital, where the Doctors examined and declared him as brought dead. Hence, the complaint.

3. Even according to the case of the prosecution, the deceased and the accused persons are friends. All had wordy quarrel under the influence of alcohol. During such wordy quarrel, the accused persons pushed the deceased and he fell down. Therefore, there was no intention by the petitioner/accused persons to murder the deceased.

4. Considering the above facts and circumstances of the case,



Crl.OP.No.16804 of 2022

and also the period of incarceration of the petitioner from the date of his arrest i.e. 09.06.2022, 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, Vaniyambadi, 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 Chengalpet and report before the Inspector of Police, Chengalpet Police Station twice daily at 10.30 a.m. and 5.30 p.m. for period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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



Crl.OP.No.16804 of 2022

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.

19.07.2022

mpl



WEB COPY



Crl.OP.No.16804 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Vaniyambadi,
Vellore.
- 2.The Inspector of Police,
Vaniyambadi Town Police Station,
Thirupathur District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.16804 of 2022

19.07.2022