



Crl.OP.No.16812 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

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1.Esak @ Ishaq
2.Ramesh

..Petitioners/A2 & A3

Vs.

State Rep. by The Inspector of Police,
Vaniyambadi Town Police Station,
Thiruppathur District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.135/2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

ORDER

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



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r/w 34 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, these petitioners along with another accused 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 petitioners/accused persons to murder the deceased.

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



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and also the period of incarceration of the petitioners from the date of their arrest i.e. 09.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 D.M. cum J.M., Vaniyambodi**, 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 1st petitioner shall stay at Ulundurpettai and report before the Inspector of Police, Ulundurpettai 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. The 2nd petitioner shall stay at Chennai and report before the Inspector of Police, Washermenpet 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 petitioners shall not abscond either during investigation



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or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The D.M. cum J.M,
Vaniyambodi.
- 2.The Inspector of Police,
Vaniyambodi Town Police Station,
Thiruppathur District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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