



Crl.O.P.No.17475 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

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Bilba @ Ramamoorthy

...Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
Crime No.423 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.423 of 2022, on the
file of the Inspector of Police, Sholavaram Police Station, Thiruvallur
District.

For Petitioner : Mr.P.Chandrasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2022 for the offences punishable under Sections **294(b)**, **302 IPC** in Crime No. 423 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner and the deceased are friends. It is alleged that, on the date of occurrence, both the petitioner and the defacto complainant consumed alcohol. Thereafter, there was a quarrel between them, due to which, the petitioner pushed the deceased with hands, due to which the deceased fell down and became unconscious. Immediately, the deceased was taken to the hospital, wherein he was declared dead. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and there was no intention and it was only a wordy quarrel and no weapon is used in the alleged occurrence. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that



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the deceased and the petitioner are friends, due to wordy quarrel, the petitioner pushed the deceased, due to which, the deceased became unconscious and died. Hence, he vehemently opposed grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 01.06.2022, this Court is inclined to grant bail to the petitioner.

6. 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.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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.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 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.

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To

1. Judicial Magistrate, No.II,
Ponneri.
2. The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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