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Crl.O.P.No.21462 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21462 of 2022

Ashok

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.
Crime No.97 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner/accused pending investigation in Crime
No.97 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Arun Mathew

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2022 for the offences punishable under Sections 294(b), 323 & 302 of IPC, in Crime No.97 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.05.2022, the petitioner had entered into a wordy quarrel with the husband of the defacto complainant. Pursuant to that, there was a physical fight and during the fight, the petitioner was brutally attacked the defacto complainant's husband with hands and fisted on his chest, due to which, he died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that even taking into consideration the allegations as against the petitioner, the petitioner is stated to have attacked the husband of the defacto complainant with hands, there was no intention to commit murder and it can only be a case of culpable homicide not amounting to murder. He



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would further submit that the petitioner is in custody from 08.05.2022 and the investigation has been completed and the final report has also been filed before the concerned committal Court and it has not been taken on file so far. Therefore, he prays for grant of bail to the petitioner.

4. The respondent has filed a counter in this case. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on the faithful day, the petitioner had entered into a fight with the husband of the defacto complainant and fisted him, resulting in him sustaining injuries and fell down and died on the spot. He would also submit that the investigation has been completed and the final report has also been filed before the concerned committal Court. He would further submit that the petitioner has got 11 previous cases as against him. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, learned counsel for the petitioner would submit that out of 11 cases, three cases have been referred and the other cases are for the offence punishable under Sections 380 and 397 of IPC and that the



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petitioner has no previous case of murder against him. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and he is also prepared to furnish sufficient sureties. Therefore, he prays for grant of bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the petitioner is in custody from 08.05.2022 and that the investigation has been completed and the final report has been filed before the concerned committal Court, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, out of which, one should be a blood related surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Tindivanam** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 appear before the learned Judicial Magistrate-II, Tindivanam on all working days at 10.30 a.m., until further orders and if the petitioner has to appear before any other Court for hearing, he has to intimate the same to the learned Judicial Magistrate in advance and the petitioner shall also report before the respondent police every Sunday at 10.30 a.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]**;

A.D.JAGADISH CHANDIRA., J.



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rgi

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

13.09.2022

rgi

To

1. The Judicial Magistrate-II, Tindivanam.
2. The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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