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Crl.O.P.No.22350 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

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

Crl.O.P.No.22350 of 2022

Alex @ Aravind

..Petitioner

Vs.

State, represented by
The Inspector of Police
Sholavaram Police Station,
Thiruvallur District
(Crime No.522 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.522 of 2022, on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioner	: Mr.P.Chandrasekar
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2022 for the alleged offence punishable under **Sections 294(b) and 302 IPC** in Crime No. 522 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, due to previous enmity, the petitioner along with others in a drunken mode attacked the deceased using hollow block, due to which, the deceased sustained grievous injuries and died on the spot. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted the petitioner along with others influenced alcohol, there was a wordy quarrel between them. While being so, the petitioner attacked the hollow block and the deceased died on the spot. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Considering the above facts and circumstances of the case and taking note of the fact the period of incarceration i.e, the date of arrest on 06.07.2022, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail, before the learned Judicial Magistrate-II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood sureties each for a like sum to the satisfaction of the respondent police failing which, the petition for bail shall stand dismissed and on further condition 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 report before the Inspector of Police, Sathuvacheri Police Station, Vellore District daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter, the respondent Police daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of six 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.**



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State of Kerala [(2005)AIR SCW 5560].

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

16.09.2022

kv

To

- 1.The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police
Sholavaram Police Station,
Thiruvallur District.
3. The Inspector of Police,
Sathuvacheri Police Station,
Vellore District
- 4.The Public Prosecutor,
High Court of Madras.
- 5.Central Prison,
Puzhal.



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G.K.ILANTHIRAIYAN, J.

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