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Crl.O.P.No.22898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.22898 of 2022

Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Desur Police Station,
Desur,
Tiruvannamalai District.

(Crime No.74 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.74 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.B.Jawahar

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 28.07.2022 for the offences punishable under Sections 341, 294(b), 323, 324 & 307 IPC @ 341, 294(b), 323, 324 & 302 IPC, in Crime No.74 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the husband of the de-facto complainant/victim are construction workers. On 27.07.2022, there was a wordy quarrel between them and enraged by the same, the accused waylaid the victim, while he was returning to his home and abused him in a filthy language and assaulted him with a cement stone, due to which he succumbed to grievous injuries and he died on 28.07.2022. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that even as per the prosecution, there was a wordy altercation and that the petitioner is stated to have assaulted the deceased with cement stone and further, no



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weapons have been used at the alleged occurrence and there is no intention on the part of the petitioner to commit murder of the deceased. He would also submit that the petitioner is in custody from 28.07.2022. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the deceased are construction workers. He would further submit that due to the previous enmity the petitioner waylaid the victim and assaulted him with cement stone and committed murder on him. He would also submit that initially the case has been registered for the offence under Sections 341, 294(b), 323, 324 & 307 IPC and later, altered to one offence under Sections 341, 294(b), 323, 324 & 302 IPC and the major part of the investigation is over and the accused has been arrested on 28.07.2022. He would also state that there is no previous case as against the petitioner. However, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vandavasi**, 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 stay at Chennai and report before the Inspector of police, J-12, Kanathur Police Station, everyday at 5.30p.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]**;

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

26.09.2022

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To

1. The Judicial Magistrate,
Vandavasi.
2. The Inspector of Police,
Desur Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore District.
4. The Inspector of Police,
J-12, Kanathur Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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