



Crl.O.P.No.26894 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26894 of 2022

Eswaran

... Petitioner

Vs.

State represented by its,
Inspector of Police,
Sathanur Dam Police Station,
Thiruvannamalai District.

Crime No.172 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.172 of 2022 pending on
the file of Inspector of police, Sathanur dam Police Station, Thiruvannamalai
District.

For Petitioner : Mr.P.Balamurugan

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



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Section 174 Cr.P.C @ 294(b), 323, 302 of IPC in Crime No.172 of 2022, on the file of the respondent Police, seek bail.

2. The case of the Prosecution as per the de-facto complainant/wife of the deceased is that her husband/deceased, who was an alcoholic, has gone out of the house and found missing and thereafter, she was informed that he was lying dead near Sathanur Bus stop. Based on her complaint, a case has been registered for the offence under Section 174Cr.P.C and later, during the course of investigation, it was found that the petitioner along with the other accused assaulted the husband of the de-facto complainant with wooden log, due to which, he died. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not involved in any of the alleged offence. He would further submit that the petitioner is in custody from



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17.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. He would also submit that the co-accused in this case have been granted with bail by this Court in Crl.O.P.No.25271 of 2022 dated 18.10.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that based on the complaint given by the de-facto complainant, initially a case has been registered for the offence under Section 174 Cr.P.C, later it was found that the deceased, who was an alcoholic, had asked money from A1 for drinking and there raised a quarrel and during the quarrel, the deceased abused A1 and thereby, A1 along with the other accused assaulted him with wooden log, due to which, he died. He would also submit that the co-accused have been granted with bail by this Court. Hence, he oppose to grant bail to the petitioner.

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



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6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the fact that the co-accused have been granted with bail by this Court and also considering 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 District Munsif cum Judicial Magistrate, Thandarambattu**, 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 petitioner shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station, everyday at 10.30a.m. and 5.30 p.m., until further orders;



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[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.

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To

1. The District Munsif cum Judicial Magistrate Court,
Thandarambattu.
2. The Inspector of Police,
Sathanur Dam Police Station,
Thiruvannamalai District.
3. The Central Jail,
Vellore.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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