



CrI.O.P.No.28331 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

CrI.O.P.No.28331 of 2022

Sivakumar

... Petitioner

Vs.

State rep.by,
The Inspector of Police,
Fairlands Police Station,
Salem District.

(Crime No.593 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.593 of 2022, on the file of the respondent.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.09.2022 for the offences punishable under Section 302 of IPC in Crime No.593 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.09.2022, the petitioner in an inebriated condition had quarrelled with the deceased/victim, during which, the petitioner had assaulted him with stone on his head and caused death of the victim. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he further submitted that both the petitioner and the victim were in an inebriated condition and during such time, there was a quarrel between them and during quarrel, the incident had happened. He further stated that the petitioner did not have any intention or motive to cause death of the victim and the incident had happened only during the quarrel. He further submitted that the petitioner was arrested on 07.09.2022 and he is in custody for more than two months and hence, he prayed for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that during the quarrel the petitioner, who was in an inebriated condition has committed murder of the victim by assaulting him on his head with stone. He further submitted that there is no previous case as against the petitioner, however, he opposed 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.

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

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**



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thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.5, Salem, 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 report before the learned Judicial Magistrate No.5, Salem, on all working days 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]*;



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

18.11.2022

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To

1. The Judicial Magistrate No.5, Salem.
2. The Inspector of Police,
Fairlands Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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