

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12328 of 2019

NOOR AMMEN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
AVADI POLICE STATION,
THIRUVALLUR DISTRICT.
(CR.NO.267/2019)

[RESPONDENT]

For Petitioner : M/S.T.ARUL Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 05.04.2019 for the offence under Section 174 Cr.P.C @ 304 (ii) of IPC in Crime No.267 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased had a drunken brawl and the petitioner is said to have pulled down the deceased from the shed, as a result of which he fell down and sustained injuries and thereafter died.

3.The learned counsel for the petitioner submitted that the deceased was an alcoholic and on the date of occurrence, there was a wordy quarrel and the deceased fell down from the shed and sustained injuries. The learned counsel further submitted that this petitioner has been falsely implicated in this case and he has already suffered incarceration for more than 34 days.

4.The learned Additional Public Prosecutor submitted that there was a drunken brawl between the petitioner and the deceased. Initially an FIR was registered under Section 174 of Cr.P.C and subsequently, it was altered for offence under Section 304 (ii) of IPC.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the entire incident had happened when

alcohol and considering the age of the petitioner and the petitioner having suffered incarceration for more than 34 days, this Court is inclined to grant bail to the petitioner subject to the following condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Poonamallee 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 respondent police, every Monday at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned XV Metropolitan 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 XV Metropolitan 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

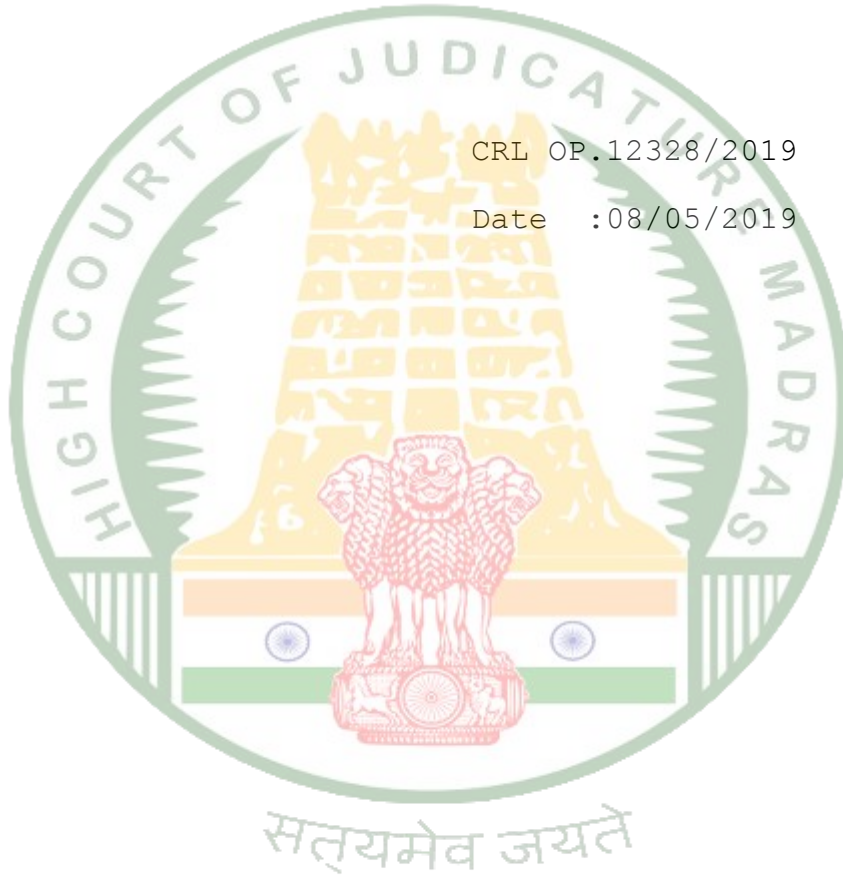
5 THE INSPECTOR OF POLICE,,
AVADI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.T.ARUL Advocate on payment of necessary charges
SR.NO. 9564

CRL OP.12328/2019

Date :08/05/2019

RD 09/05/2019



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