



WEB COPY



Crl.O.P.No.24466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24466 of 2022

Nisar Khan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai - 600001.

(Crime No.252/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.252
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.H.Thameen Ansari

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



Crl.O.P.No.24466 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the offences punishable under Sections 341, 324, 506(1) of IPC @ 304(ii) IPC in Crime No.252 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during the quarrel in front of the Tasmac shop, the petitioner along with one another person in an inebriated condition pushed the victim down, resulting in which, the victim fell down and sustained injuries on the head and later after 5 days, the victim died. Hence the case.

3. The learned counsel appearing for the petitioner would submit that there is no enmity or motive on the part of the petitioner to cause the death of the victim. He would further submit that the petitioner as well as the victim were in inebriated condition and during the quarrel between them, the petitioner has pushed the victim down and he would also state that no weapons have been used at the alleged occurrence and the petitioner has no



Crl.O.P.No.24466 of 2022

intention to cause the death of the deceased. He would submit that the petitioner is in custody from 13.09.2022. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that there was a scuffle between the petitioner and the victim in front of the Tasmac Shop, during which, the petitioner pushed the de-facto complainant's father down and he sustained serious head injury and died after 5 days. Hence, he would 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.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also considering the fact that no weapons were used and there was no intention to cause the death, this Court is inclined to grant bail to the petitioners with certain conditions.



WEB COPY



CrI.O.P.No.24466 of 2022

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 VIII Metropolitan Magistrate, George Town, Chennai**, 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, everyday at 10.30 a.m. and 5.30 p.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



Crl.O.P.No.24466 of 2022

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.

11.10.2022

ham

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai,
2. The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai - 600001.
4. The Central Prison,
Puzhal - II, Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24466 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.24466 of 2022

11.10.2022