



WEB COPY



Crl.O.P.No.28614 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 06.10.2022, for the offences punishable under Sections 341, 294(b), 324, 506(ii) IPC @ 302 IPC, in Crime No.257 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Amra Singh is that he is the Panipuri seller and on 04.10.2022, when he was selling panipuri, the accused had purchased panipuri from the de-facto complainant and did not pay the amount, when it was questioned by the de-facto complainant, the accused had abused him in a filthy language and assaulted him with brick, due to which, he sustained injuries. Thereafter, based on the complaint given by the de-facto complainant, the case has been registered in Crime No.257 of 2022 for the offence under Sections 341, 294(b), 324, 506(ii) IPC and later, the de-facto complainant was



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admitted in the hospital and without responding to the treatment, he died on 07.10.2022. Therefore the case has been altered to one under Section 302 IPC. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 06.10.2022 and he is ready to abide by any stringent conditions that may be imposed on him and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for the respondent submitted that the petitioner had abused and attacked the *de-facto* complainant with brick, when the *de-facto* complainant had questioned the petitioner about non-payment of amount for his panipuri, due to which, he sustained injuries and died in the hospital after three days. He further submitted that as far as the petitioner is concerned, he is a habitual offender having a pending case for the offence under Section 307



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IPC on the file of the respondent Police. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police 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 and also considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner for the present.

7. Accordingly, this Criminal Original Petition stands dismissed.

22.11.2022

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