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Crl.O.P.No.19429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19429 of 2025

Ebinesar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Nallur Police Station,
Tiruppur.
(Crime No.248 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.248 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.06.2025, for the offences punishable under Section 105 and 110 of



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BNS, 2023 in connection with Crime No.248 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner in a drunken mood drove his two wheeler in a rash and negligent manner and dashed against the two wheeler driven by de-facto complainant, thereby the de-facto complainant's mother sustained head injury and died. The de-facto complainant and his uncle's son sustained injury. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the petitioner is the sole bread winner of his family and he is inside the prison for the past 52 days. The learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.248 of 2025 without prejudice to his right and defence in the above case. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the de-facto complainant came in a two wheeler along with his mother and uncle's son. The petitioner in a drunken state drove his two wheeler in a rash and negligent manner and dashed against the de-facto complainant, thereby the de-facto complainant's mother sustained head injury and died on the way to hospital.

5. Considering the submissions made on either side and on perusal of the material it is seen that the petitioner in a drunken state drove the two wheeler in a rash and negligent manner and caused accident and the de-facto complainant's mother succumbed to injuries. The petitioner submits that he is the sole bread winner of his family. Considering the period of incarceration undergone by the petitioner and the submission that the petitioner is willing to deposit an amount of Rs.1,00,000/- to the credit of Crime No.248 of 2025, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.1,00,000/- [Rupees One lakh only]** to the credit of Crime No.248 of 2025 before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Tiruppur**. The respondent police is directed to inform the victim's family about the deposit of Rs.1,00,000/- and on filing of appropriate petition or memo by the victim, the trial Court to hand over the amount of **Rs.1,00,000/-** to the victim's family, dispensing notice to the petitioner and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks, thereafter as and when required for interrogation;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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M.NIRMAL KUMAR, J.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.IV,
Tiruppur.

2.The Inspector of Police,
Nallur Police Station,
Tiruppur.

3.The Superintendent,
District Jail, Tiruppur.

4.The Public Prosecutor,
High Court of Madras.

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