



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14103 of 2016

MANI @ MANIKANDAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 306 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.ANANDAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 02.06.2016, for the alleged offences punishable under Sections 147, 148, 294(b), 506(ii) IPC altered into 147, 148, 294(b), 302, 506(ii) IPC in Crime No.306 of 2015, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 24.12.2015, the petitioner along with other accused persons assembled unlawfully and attacked the defacto complainant/deceased with deadly weapons and due to severe injury caused, he died in the hospital. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that due to previous enmity the petitioner's name has been falsely implicated in this case. He is innocent and he has not committed any offence as alleged by the prosecution. The other accused persons already arrested and enlarged on bail.

4.The learned Government Advocate (Crl. Side) submitted that totally 9 accused are involved in this case. The petitioner is the 1st accused. Due to previous enmity, the petitioner along with other accused persons assaulted the deceased with deadly weapons, caused



grievous injuries. Due to the serious injuries sustained, the defacto complainant/deceased died. After completion of investigation, charge sheet has been filed. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that investigation completed and charge sheet is filed and the petitioner is in judicial custody from 02.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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, Srivaikundam, Thoothukudi District.
- (ii) the petitioner shall report before the concerned Court daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
08/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PJL

TO

1 THE JUDICIAL MAGISTRATE, SRIVAICKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE, SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5. THE OFFICER INCHARGE, SUB JAIL, SRIVAICKUNDAM

+1. CC to M/S A.ANANDAN Advocate SR.No.14103

GJM/GSV/PM/SAR(III)/8.8.16-3P-7C

ORDER

IN

CRL OP(MD) No.14103 of 2016

Date :08/08/2016