

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.19012 of 2019

MANIKANDAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY,  
INSPECTOR OF POLICE  
THIRUVANNAMALAI EAST POLICE STATION,  
THIRUVANNAMALAI  
IN CRIME NO.354 OF 2019

[ RESPONDENT ]

For Petitioner : M/S.K.SEMMALAI Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL 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 30.05.2019 by the respondent police for the alleged offences punishable under Sections 147, 148, 341, 302, 120(B) of IPC in Crime No.354 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner while taking sand from a lake illegally, the village people agitated the same, aggrieved by this, the petitioner and other accused persons waylaid the deceased and attacked indiscriminately with aruval, thereby he died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that even as per the case of the prosecution, there is no specific overt act as against the A5 whereas A1 to A4 only attacked the deceased. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing would submit that there are totally seven accused, in which the petitioner is arrayed as A5. The petitioner and other accused persons were involved in taking sand illegally from lake, at that time the village people came to the place and agitated the same. Thereafter, the aggrieved accused persons waylaid the deceased and attacked with aruval indiscriminately. She further submits that

A1 to A4 attacked the deceased as such the first petitioner/A4 has specific overt act. She further submits that A1 to A3 have been detained under Goondas Act whereas A5 is in judicial custody, and A7 was released on bail by this Court. However, she vehemently opposed to grant bail to the petitioner.

5.It is seen that there are totally seven accused, in which the petitioner is arrayed as A5. It is also seen that even as per the case of the prosecution, A1 to A4 only attacked the deceased as such there is a specific overt act as against the first petitioner/A4. Hence, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thiruvannamalai on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 ie., Thevarkulam Police Station, Thirunelveli Rural daily at 10.30 a.m., and 5.30 p.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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
25/07/2019

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, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
THIRUVANNAMALAI EAST POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

6 THE OFFICER INCHARGE,  
THEVARKULAM POLICE STATION,  
THIRUNELVELI RURAL

+1CC to M/S.K.SEMMALAI Advocate on payment of necessary charges SR NO.15360

CRL OP.19012/2019

Date :25/07/2019

MK:26/07/2019

WEB COPY