

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10650 of 2020

Mani @ Manikandan

... Petitioner

Vs.

State rep. by the
The Inspector of Police
Thiruttani Police Station
Vellore District.
(Crime No.1428 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1428 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Rajendran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.05.2020 for the offences punishable under Section 341, 302 and 34 IPC, in Crime No.1428 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused played dice game and shouted near the house of the deceased. When the same was questioned by the deceased, A1 in this case along with other accused had committed the murder of the deceased by stabbing him in knife indiscriminately, due to which, he died on the same day.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the resident of Chittoor District and he had gone to his grand mother's place in Thiruttani and the said crime happened to take place on that day. He would further submit that as per F.I.R also the allegation is only against the main accused / A1, who stabbed the

deceased when the other accused, waylaid the victim and prevented him from moving away. A1 is also detained under Act 14.

4.The learned Government Advocate (Crl. Side) would submit that when the deceased questioned the accused persons about the playing of dice game, the petitioner along with other accused committed the murder of the Raghu / deceased, stabbing him in knife. Investigation is pending. A1 has been detained under Act 14, A3 is a juvenile.

5.Taking into consideration of the facts and circumstances, and also considering the submissions made by the learned counsels, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute **two sureties out of which one should be a relative, for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Thiruttani, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m. until further orders.**

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/07/2020

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
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTTANI POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISONPUZHAL, CHENNAI.

CC to M/S. RAJENDRAN Advocate on payment of necessary charges

WEB COPY
CRL OP.10650/2020
Date :17/07/2020

TA-25/08/2020