

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18168 of 2020

Manikandan @ Mani

... Petitioner

Vs.

THE STATE OF TAMIL NADU

Represented by its:

Inspector of Police [L & O].
K9 Thiru Vi Ka Nagar Police Station,
Chennai.

Crime No.809 of 2020

.... Respondent

Prayer: Criminal Original Petitions are filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.809 of 2020 pending investigation before the respondent police station.

For Petitioner : Mr.B.Kalaiarasan

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

ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.10.2020 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 448, 427, 336 and 307 of IPC, in Crime No.809 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz. Gayathridevi is that on 03.10.2020, due to pathway dispute between the family of the defacto complainant and the first accused along with other accused attempted to block the pathway. Hence, the complaint was given to the police via Police Control Room. Thereby, the police called her for enquiry. At that time, the first accused along with his associates had entered into the house of the defacto complainant and assaulted her and her relatives with knives and machetes.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that there was a pathway dispute between the defacto complainant and the first accused. Since, the defacto complainant did not succeed in her civil litigation, she has given a false complaint against the petitioner and others. He would further submit that the injured has been discharged from the

hospital and the co-accused have been granted bail by this Court vide Crl.O.P.Nos.17109, 17420 and 18081&18078 of 2020 by orders dated 02.11.2020, 09.11.2020 and 18.11.2020 respectively and the petitioner has been suffering incarceration for more than a month from 14.10.2020 and that he is prepared to abide by any stringent condition that to be imposed by this Court. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the accused who are politically influential persons attempted to block the pathway of the defacto complainant and when the defacto complainant gave a complaint to the respondent police on 03.10.2020, the accused got enraged following which, the petitioner along with other accused trespassed into the house of the defacto complainant and assaulted her and her relatives with knife and machete, due to which, they have sustained multiple injuries. He would further submit that though the injured has been discharged from the hospital, tension prevails in the locality and hence he vehemently opposed for the grant of bail to the petitioner.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6. Taking into consideration of the facts and submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and the co-accused in this case have been granted bail by this Court and also considering the period of incarceration suffered by the petitioner from 14.10.2020, 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 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 V Metropolitan Magistrate, Egmore Unit, Chennai and on further conditions that:

(b) 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;

(c) The petitioner shall stay at Vellore and report before the Vellore North Police Station, everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police until further orders.

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

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

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

(g) 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 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];

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

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

-sd/-

19/11/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, UNIT, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE (L AND O),
K9, THIRU VI KA NAGAR POLICE, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

6 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION, VELLORE.

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

CRL OP.18168/2020

Date :19/11/2020

RVR 20/11/2020