

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 18363 of 2020

Nagamanikkam @ Manickkam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

Crime No.1503 of 2020 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1503 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.M.Balakrishnan

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.10.2020 for the offences punishable under Sections 294(b), 323, 324, 307 of IPC, in Crime No. 1503 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Mahendran is that there was a civil dispute between the defacto complainant and the accused. While so, on 18.10.2020, the accused abused him with filthy language and assaulted him with machete and iron rod, due to which, he sustained injuries. Hence, the complaint.

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 father of the 1st accused and the husband of the other accused. He would further

submit that there was a previous enmity between the families and on account of civil dispute, a false complaint has been given. He would further submit that the petitioner has no criminal antecedents and that the victim has also been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that due to civil dispute, the petitioner along with other accused had assaulted the defacto complainant, due to which, he sustained injuries. He would further submit that the victim has been discharged from the hospital. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned Counsel and also considering the period of incarceration suffered by the petitioner, 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 **Judicial Magistrate Court-II, Udumalpet** 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 on his release from prison shall stay at Udumalpet and report before the Udumalpet Police Station every day at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limit of the respondent police, until further orders.

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

(e) the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/11/2020

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 THE JUDICIAL MAGISTRATE COURT.II, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
UDUMALPET POLICE STATION, UDUMALPET

6 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO.7691

CRL OP.18363/2020

Date :20/11/2020

RVR (GKS) :23/11/2020