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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/12/2020

PRESENT

**The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) . No.14673 of 2020

Manivannan

... Petitioner/Sole Accused

**Vs**

The State Rep. by  
The Inspector of Police,  
Batlagundu Police Station,  
Dindigul District.  
Crime No. 1458 of 2020

... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi,  
Advocate.

For Respondent : Mrs.M.Ananthadevi,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Bail in Crime No.1458 of 2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 24.11.2020 for the offences punishable under Sections 294(b) and 307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that one Rajiv Rahul son of Ramadass alleged in his complaint that the defacto complainant is a own jeweler shop in the name and style of " Navarathinam jeweler shop " and the petitioner herein has a jewelry shop in the name of " Sri Murugan Jeweler shop". It was alleged that following a wordy quarrel the petitioner abused and he has assaulted the defacto complainant with a knife and caused injuries on 24.11.2020. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. The defacto complainant is having enmity with regard to the jewel business and he has jealousies on the petitioner's business growth. The defacto complainant and his henchmen have broken the petitioner's jeweler shop glasses and caused injuries. Further the defacto complainant also threatened the petitioner that he would not allow the petitioner to run jewel shop near his house and he is forcing the petitioner to close the shop. He would also submit that the petitioner is in jail from 24.11.2020, hence he seeks bail.

4. The learned Government Advocate (Crl. Side) would submit that due to business enmity the accused abused the defacto complainant and stabbed him with knife on his stomach and hand and caused injuries. She would also submit that the injured was discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai, Dindigul District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall stay at Ariyalur and report before the Ariyalur Police Station daily at 10.30 a.m., 1.30 p.m., and 5.30 p.m., for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-  
14/12/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**TO**

1. THE JUDICIAL MAGISTRATE,  
NILAKOTTAI, DINDIGUL DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,  
BATLAGUNDU POLICE STATION,  
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
5. THE OFFICER INCHARGE,  
SUB JAIL,  
VEDASANDHUR,  
DINDIGUL DISTRICT.

**COPY TO:-**

THE INSPECTOR OF POLICE,  
ARIYALUR POLICE STATION,  
ARIYALUR.

ORDER  
IN  
CRL OP(MD) No.14673 of 2020  
Date :14/12/2020