

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1430 of 2021

Manikandan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
F-5 Choolaimedu Police Station,
Chennai.
(Crime No.20/2011)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.20 of 2021, on the file of respondent police.

For Petitioner : Mr. P.Rajkumar

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 341, 294(a), 324, 307 and 506(ii) IPC in Crime No.20 of 2021, seeks bail.

2. Totally there are 5 accused in this case and the petitioner is A5. The case of the prosecution is that due to previous enmity, all the accused alleged to have waylaid the defacto complainant and attacked him with knife and wooden log and caused serious injuries. Hence, a case has been registered against the petitioner and others.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and his name is not found place in the First Information Report and no specific overtact has been attributed as against the petitioner. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that out of 5 accused, 3 accused were arrested and two accused are still absconding. Investigation in this case is in preliminary stage. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that only based on the confession of the co-accused, the petitioner has been included in this case, and also the fact that there is no specific overtact attributed as against the petitioner, and 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 learned XIV Metropolitan Magistrate, Egmore, 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 report before the respondent police daily at 10.30 a.m. 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.

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

-sd/-

04/02/2021

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 XIV METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-5, CHOO LAIMEDU POLICE STATION,
CHENNAI.

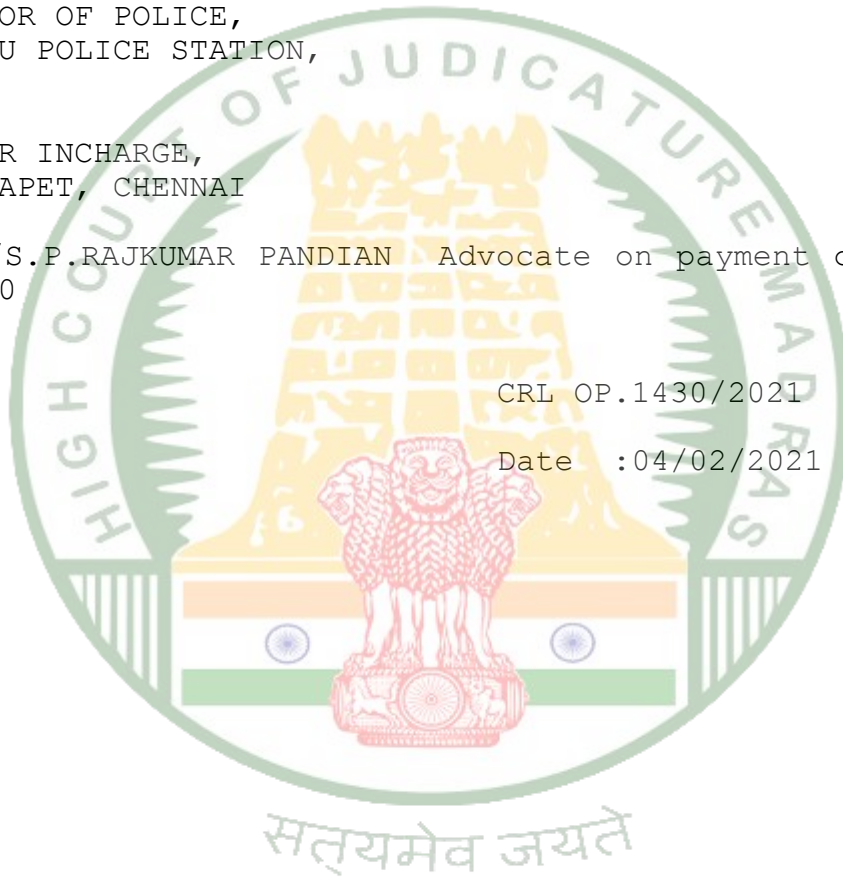
5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S.P.RAJKUMAR PANDIAN Advocate on payment of necessary
charges Sr.1120

CRL OP.1430/2021

Date :04/02/2021

RVR 05/02/2021



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