



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2186 of 2021

Manivannan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
HUDCO Police Station,
Krishnagiri Dt.
(Crime No.1276 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.1276 of 2020 on the file of respondent police.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 27.11.2020 for the offence punishable under Sections 302, 147, 148 and 120-B of I.P.C. in Crime No.1276 of 2020, seeks bail.

2. The case of the prosecution is that the deceased by name Nagaraj was a money lender and the petitioner and the deceased are belong to same community. The petitioner used to borrow money from him. Earlier, the deceased said to have demanded repayment of amount borrowed and also abused the petitioner, as a result of which, there was a wordy quarrel. Due to the same, all the accused have joined together and planned to murder the deceased. On 22.11.2020, while the deceased went for walk, the accused persons have attacked and murdered him, and they have escaped from the scene of occurrence. Subsequently, on 27.11.2020, the respondent police had intercepted



the petitioner, and on suspicion, enquired him, he has confessed that he has joined together with the other accused and committed the crime. In the said circumstances, he was arrested and remanded to judicial custody on 27.11.2020, and a criminal case has been registered against the petitioner. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that there is no eye-witness to the occurrence and all the accused persons are now in jail. He would submit that since the respondent police could not identify the real culprit, they have falsely implicated the petitioner as accused in this case. He would submit that the deceased is also belong to a political party, and he is having so many enemies in that area. He would submit that now the petitioner is in jail for more than 51 days and the investigation is almost completed. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has borrowed money from the deceased and when the deceased asked repayment, all the accused persons have joined together, attacked him and caused his death. She would submit that subsequently, all the accused persons were arrested and they have given a confession statement, as per their confession, the petitioner was implicated as accused. She would submit that now the investigation is also completed and they are waiting to file a final report. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that it is a case of wordy quarrel, and no eye-witness available to the occurrence. Now, it is stated that the deceased is a money lender and the petitioner has borrowed money from him and there is a wordy quarrel between them when he demanded repayment, in which the petitioner said to have attacked the deceased and caused his death. Therefore, considering the facts and circumstances, the investigation is almost completed, the respondent police is waiting to file a final report and also considering the period of incarceration suffered by the petitioner for more than 81 days, 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 Judicial Magistrate-II, Hosur 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 Trichy and report before Cantonment Police Station, Trichy, daily at 10.30 a.m. until further orders ;

WEB COPY (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/-
15/02/2021

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 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]



3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE OFFICER INCHARGE,
CANTONMENT POLICE STATION,
TRICHY.

+1 CC to M/S. A.BALAMURUGAN Advocate on payment of necessary
charges SR.NO.1682

CRL OP.2186/2021

Date :15/02/2021

cs 16/02/2021