

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5824 of 2021

Manikandan

... Petitioner

Vs.

The Inspector of Police,
Vaipoor Police Station,
Tiruvarur District.
(Crime No.84 of 2021). Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner in Crime No.84 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Senthilkumar

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 24.01.2021 for the offence punishable under Sections 341, 294(b), 120-B and 302 of IPC in Crime No.84 of 2021, seeks bail.

2. Totally, there are 8 accused and the petitioner is arrayed as A3. The case of the prosecution is that there is previous enmity between the deceased and the brother of this petitioner, who is arrayed as A2. At the instigation of this petitioner, A1 and other accused, who are all hirelings, attacked the deceased with dangerous weapons and caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the main overtact has been attributed only as against A1 and other accused. The allegation as against this petitioner is that he only instigated the other accused to attack the deceased. Since the

petitioner belongs to political party, he has been falsely implicated in this case. He is in jail from 24.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that there was previous enmity between the deceased and the petitioner & A2, who is the brother of the petitioner in this case. Due to the said enmity, the petitioner only engaged other accused to commit the murder of the deceased. Even though no specific overtact has been attributed as against him, he has been implicated with the aid of Section 120(b) of IPC. If the petitioner is released on bail, he is likely to tamper the witnesses. Now, investigation is almost completed.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. From the perusal of the First Information Report, it could be seen that the main overtact has been attributed only as against A1 and other accused. The petitioner has been implicated with the aid of Section 120(b) IPC. Considering the above said facts and circumstances of the case, and the fact that investigation is almost completed 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 learned Judicial Magistrate, Tiruvarur, 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 release from the prison, shall stay at Madurai and report before the Inspector of Police, Anna Nagar Police Station, Madurai, 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.

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

-sd/-

25/03/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAIPOOR POLICE STATION,
TIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

6 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI,

CC to M/S. R.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.5824/2021

Date :25/03/2021

TA-26/03/2021