

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9322 of 2021

Manikandan

... Petitioner

vs.

State rep. by
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.164 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Crime No.164 of 2021 on the file of the
respondent police.

For Petitioner : Mr.D.Bennington

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 294(b), 323, 324, 355, 506 (ii), 302 IPC in Crime No.164 of
2021, on the file of the respondent police, seeks anticipatory bail.
The petitioner is cited as 7th accused in the said case.

2. The learned counsel for the petitioner would submit that no
specific overt act has been alleged in the FIR as against the
petitioner.

3. Mr.L.Baskaran, learned Government Advocate (Criminal Side)
would submit that during investigation, the co-accused has confessed
to the effect that the petitioner has beaten the deceased with a
wooden log on his chest.

4. Being the co-accused's confession, I do not think that the same would have a weightage as the averments in the FIR. A reading of the FIR does not show any specific over act against the 7th accused viz., the petitioner herein. Hence, I am of the opinion that the petitioner could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Perambalur within 15 days from the date of resumption of regular hearings in the said Court subject to the following conditions:

[a] The petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] if the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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5. Considering the present situation, the petitioner is granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-

01/06/2021

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, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.BENNINGTON Advocate on payment of necessary charges

CRL OP.9322/2021

सत्यमेव जयते Date: 01/06/2021

RVR 06/07/2021

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