



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19477 of 2021

1. Manikandhan ... Petitioners
2. R.Karnan

Vs.

State rep. by ... Respondent
The Inspector of Police,
Palladam Police Station
Tiruppur District.
(Crime No.1492 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.1492 of 2021 on the file of the Respondent police.

For Petitioners: Mr.T.Balachandran

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

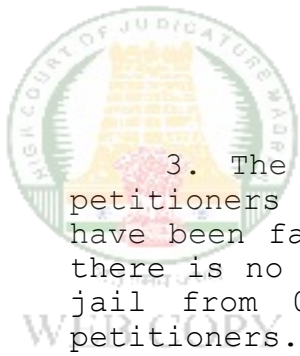
ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.08.2021 for the offences under Sections 294(b) and 307 I.P.C. @ 302 of I.P.C., in Crime No.1492 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.08.2021 at about 05.00 p.m., the petitioners are alleged to have conducted a cultural program without permission, due to which, there was a wordy quarrel between the petitioners and rival parties. At that time, when the brother of defacto complainant intervened and tried to solve the quarrel between them, the petitioners said to have threatened him, abused him with filthy language and also driven a car with an intention to murder the defacto complainant's brother, thereby, he had suffered injuries. Subsequently, the injured was taken to the hospital and thereafter, injured succumbed to injuries. Hence, originally, the criminal case was registered under Section 294(b) and 307 I.P.C. and after the death of injured, it was altered to Section 302 of I.P.C. Accordingly, the petitioners were arrested on

04.08.2021



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would also submit that there is no specific overtact against the petitioners and they are in jail from 04.08.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently objects to consider the bail petition stating that the petitioners alleged to have driven a car with an intention to murder the defacto complainant's brother, who had suffered injuries. He would submit that the victim was the brother of defacto complainant and he sustained injuries and the defacto complainant taken him to hospital. Therefore, initially the case was registered under Sec.307 I.P.C. and subsequently, injured succumbed to injuries. Hence, the case had been altered into Sec. 302 I.P.C.

5. Considering the facts and circumstances of the case and also considering period of incarceration suffered by the petitioners from 04.08.2021 and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tiruppur District** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned **Judicial Magistrate No.I, Tiruppur District** may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending investigation and shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily at 10.00 a.m. till the completion of investigation;

(c) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance



with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/10/2021

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.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, TIRUPPUR DISTRICT.

6 THE INSPECTOR OF POLICE
FLOWER BAZAAR POLICE STATION,
CHENNAI.

CC to M/S T.BALACHANDRAN Advocate on payment of necessary charges

CRL OP.19477/2021

Date :12/10/2021

TA-13/10/2021