



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23337 of 2021

Manikandan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.1201 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1201 of 2021 on the file of the respondent police.

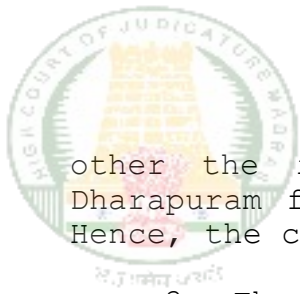
For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.09.2021 for the offences under Section 147, 148, 302, 307 of IPC in Crime No.1201 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the sister of de facto complainant was married to the 1st Accused and there was already a family dispute between the two families. The petitioner is the maternal uncle of the 1st Accused and on 22.09.2021 at about 7.15 p.m. when the de facto complainant, his father Marimuth and their driver one Murugan were in vehicle stand near Nivetha Hospital, Dharapuram at the time the petitioner along with other accused came to the spot and on command of the 5th Accused, the 1st and 3rd accused were assaulted the de facto complainant with Arruval on his fight and at the same time the 2nd accused had stabbed on his back side. Then, the said 1st and 3rd accused along with the petitioner were assaulted the said Marimuthu by using Aruval and the 2nd accused assaulted Marimuthu by using knife and the petitioner was assaulted the intervener who is the said Murugan on his right neck. Then immediately with the help of



other the injured persons were admitted in Government Hospital, Dharapuram for first aid and by result the said Marimuthu was died. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 70 days from 23.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that due to family dispute, the petitioner along with other accused assaulted the father of the de facto complainant with Arruval and thereby the deceased sustained fatal injuries and succumbed to death. He further submits that all the accused were arrested and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstance of the case and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Dharapuram, and on further conditions that:

(a) 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;

(b) the petitioner shall stay at Sivaganga and report before the Sivaganga Taluk Police Station, Sivaganga on every Tuesday and Sunday at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]; and;



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

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-sd/-
08/12/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
SIVAGANGA TALUK POLICE STATION,
SIVAGANGA.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.23337/2021

Date :08/12/2021

CSK 09/12/2021