



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.23921of 2021

Manikandan

.. Petitioner /Accused

Vs.

State through
The Inspector of Police,
Kandachipuram Police Station,
Villupuram District.
(Cr.No.429 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.429 of 2021 on the file of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

For Petitioner : Mr.R.Sreedhar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 294(b), 323, 324, 354, 506(ii) and 307 of IPC, in Crime No.429 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are close relatives. The petitioner loved the de facto complainant from his childhood. But the defacto complainant married another person and she has got two children. While so, on 06.11.2021 when the de facto complainant went to her relative's house, the petitioner forced her to come with him and since, she refused the same, the petitioner assaulted and stabbed her with knife and also threatened with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is the maternal uncle's son of the defacto complainant and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 30 days from 07.11.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that due to one side love affair, the occurrence had happened but admits that the injured has been discharged from the hospital.

5. Considering the fact that the injured has been discharged from the hospital and also considering the period of incarceration suffered 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 the learned Judicial Magistrate, Thirukovilur, and on further condition 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 report before the respondent police 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.

WEB COPY

-sd/-
10/12/2021

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,
THIRUKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, GINGEE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to R.SREEDHAR Advocate on payment of necessary charges
SR.NO.14460

CRL OP.23921/2021

Date :10/12/2021

CSK 10/12/2021