



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

Crl.O.P.No.24353 of 2021

K.MANOJKUMAR FRANKKLIN

.. Petitioner

Vs.

State Rep
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District,
(Crime No. 1067 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.1067 of 2021 pending investigation on the file of the respondent police, the Inspector of Police, Virudhachalam Police Station, Cuddalore District.

For Petitioner : Mr.S.Vinoth Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.10.2021 for the offences under Sections 294(b), 302 of IPC and subsequently altered into Sections 294(b), 302, 341 R/w 34 of I.P.C, in Crime No.1067 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased. The deceased had love affair with one Thenmozhi and the petitioner also loved the said Thenmozhi. Hence there was enmity between the petitioner and the deceased. While so, on 10.10.2021, while the petitioner and his friends were consuming liquor, there was a wordy quarrel between the petitioner and the deceased regarding the love affair. At that time, the petitioner and the other accused joined together and stabbed the deceased with knife and later called the ambulance and while admitting, the doctor declared as brought dead. Hence the complaint.



3.The learned counsel for the petitioner would submit petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the complaint given by the father of the deceased and he would further submits that the petitioner has been suffering incarceration for more than 60 days from 10.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 4 accused involved in this case and the petitioner is arrayed as A3 and the petitioner along with his friends, out of wordy quarrel attacked the deceased and the deceased succumbed to injuries but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the investigation is almost completed 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 the, learned Judicial Magistrate-I, Virudhachalam, 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 Pudukottai and report before the Town Police Station daily 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/-
14/12/2021

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-I,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
PUDUKOTTAI DISTRICT.

+1CC to M/S.S.VINOTH KUMAR Advocate on payment of necessary charges SR.NO.14690

CRL OP.24353/2021

Date :14/12/2021