



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9330 of 2021

Manikandan @ Manikutti

... Petitioner/6th Accused

Vs

State, represented by
The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(Crime No.263 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.R.Anbarasu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

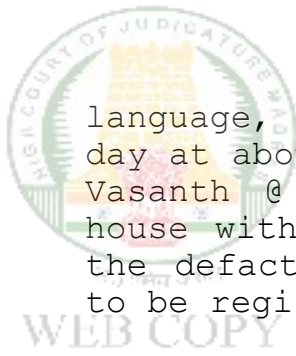
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- To enlarge the petitioner on bail in Crime No. 263 of 2021 dated 07.06.2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who were arrested on 10.06.2021 for the offences punishable under Sections 147, 148, 342, 323, 294(b), 307, 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.263 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant was an accused in a murder case. On 05.06.2021 Manikandan@ Manikutty along with some other were fishing in Boothalingasamy Theppakulam. At that time Gopi, Sathish, Sudalai, Manikandan informed Manikandan@ Manikutty that fishing could not be done in the teppakulam. Hence there was a wordy quarrel . As a sequel to that on 06.06.2021at about 08.15 hrs, when the defacto complainant was near 'Ueva' Stores, Siva waylaid him and scolded him in filthy



language, hence there was a quarrel between them. Then on the same day at about 08.30 hrs Ramesh @Shanmugam, Muthukumar, Siva, Suresh, Vasanth @ Velappan, Manikandan @ Manikutty trespassed into the house with aruval and Ramesh, Muthukumar attacked him, as a result the defacto complainant sustained injuries, therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 10.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. However, he fairly concedes that the injured was treated as out patient.

5. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 10.06.2021 and the fact that the injured was treated as out patient, this Court is inclined to grant bail to the petitioner

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, Boothapandi 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 daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/07/2021

WEB COPY

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, BOOTHAPANDY.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9330 of 2021
Date :14/07/2021

AAV
AE/AKM/SAR-V/13.07.2021/3P/6C