



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9596 of 2021

Manikandan

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District
(Crime No.428/2021).

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian,
Advocate.

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

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

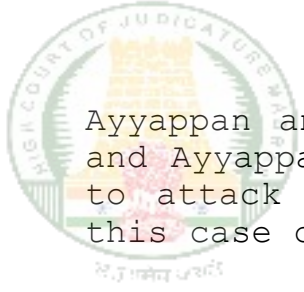
PRAYER :-

For Bail in Crime No. 428/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 05.07.2021 for the offences punishable under Sections 341,294(b),307 and 506(ii)of IPC in Crime No.428 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2021 there was a fight between the defacto complainant and one Ayyappan. Thereafter he attacked him and set fire to his two wheeler. On the same day Ayyappan had also attacked him. Both of them gave cases against each other and both the cases are pending. Due to this motive on 04.07.2021 at about 7.00 pm., when the defacto complainant was walking in front of the Primary Health Centre the accused



Ayyappan and Manikandan waylaid him, scolded him in filthy language and Ayyappan tried to attack him, he evaded. Manikandan also tried to attack him with aruval, he escaped from the attack. Therefore this 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 05.07.2021, 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. He would further submit that two previous cases are pending against the petitioner in Crime Nos. 447 of 2020 and 800 of 2020. He would also submit that victim has not suffered any injuries.

5. It is seen from the narration of the facts that there is a previous enmity between the parties. Infact the defacto complainant had set fire to the two wheeler of the first accused. As a sequel to that, this incident had happened.

6. Taking note of the fact and circumstances of the case and also the fact that the victim has not suffered any injuries and the fact that the petitioner is in judicial custody from 05.07.2021, this Court is inclined to grant bail to the petitioner

7. 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 No.I, Tirunelveli 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.

WEB COPY

/ TRUE COPY /

sd/-
20/07/2021

/ /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 NO.I,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE,
SUB JAIL, SRIVAIKUNDAM.
4. THE INSPECTOR OF POLICE,
PALAYAMKOTAI POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9596 of 2021
Date :20/07/2021

AAV
USK/VR/SAR-II : 20/07/2021 : 3P/6C