



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11748 of 2021

M.Manikandan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
Crime No. 187 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.SIVASUBRAMANIAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

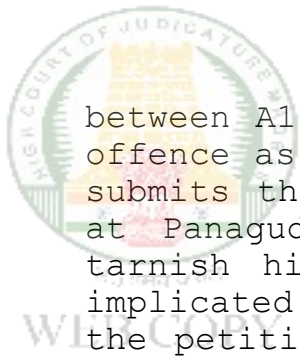
For Bail in Crime No.187 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 24.06.2021, for the offence punishable under Section 302 of IPC, in Crime No.187 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the petitioner/A2 are friends and they are doing real estate business. A1 used to take the deceased in his car. On 22.06.2021, the deceased along with accused persons consumed liquor and after some time, there was a dispute between them and consequent to that, the accused persons attacked the deceased with sticks and kicked over his stomach. Since the deceased had sustained head injuries, he was admitted in the hospital and when he was taking treatment, he was reported dead on 23.06.2021. The complaint was lodged only after the death of the deceased. Prior to the death of the deceased, there was no complaint.

3.The learned counsel for the petitioner submits that the petitioner has nothing to do with the real estate transaction



between A1 and the deceased and he is in no way connected with the offence as alleged by the Prosecution. The learned counsel further submits that the petitioner is working as Police Constable Grade-I at Panagudi Police Station, Tirunelveli District. In order to tarnish his image among the general public, he has been falsely implicated in this case. Even according to the defacto complainant, the petitioner only dropped the deceased in his house. Since the petitioner is languishing in jail from 24.06.2021, he prays for grant of bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the period of incarceration, 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 No.I, Tirunelveli 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 report before the respondent Police daily at 10.30 a.m. until further orders.**

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

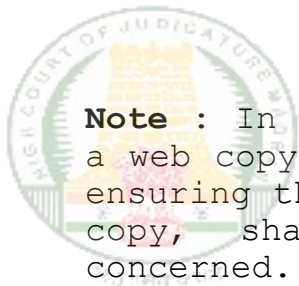
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2021

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/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.11748 of 2021
Date :19/08/2021

SA/VR/SAR.3/19.08.2021/3P/6C