



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18939 of 2021

Mari @ Manikandan

... Petitioner/Petitioner
/Accused No.6

Vs

The State rep.by
The Inspector of Police,
Ambasamdram Police Station,
Tirunelveli District.
(Cr.No.402 of 2021).

... Respondent/Respondent/
Complainant

For Petitioner : M/s.SATHYACHIDAMBARAM.S,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 402 of 2021 on the file of the respondent Police.

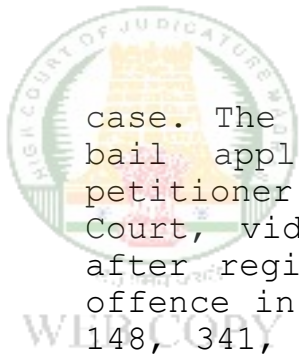
ORDER : The Court made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 24.09.2021 for the offence punishable under Sections 147, 148, 341, 294(b), 302 and 506(ii) of IPC, in Crime No.402 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 15.09.2021, at about 10.00 p.m, when the defacto complainant and his son, returning to their house, the petitioner and the other accused waylaid them and attacked the son of the defacto complainant and caused death to him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that after dismissal of the petition, the co-accused has been granted bail and he is in judicial custody from 24.09.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 6 accused in this



case. The petitioner was arrayed as 6th accused. This is the second bail application. The earlier bail application filed by the petitioner in Crl.OP(MD)No.16827 of 2021 was dismissed by this Court, vide order dated 11.11.2021. He would further submit that after registering this case, the petitioner has committed another offence in Crime No.404 of 2021 for the offence under Sections 147, 148, 341, 294(b), 307, 387 and 506(2) IPC and the same is pending before the same police station. In respect of the above said crime, he has already obtained bail and History Sheet was opened in H.S.No.1220 of 2021 against this petitioner and A4 was released on bail by the District Sessions Court, Tirunelveli, on 25.11.2021 in Crl.MP.No.7914 of 2021.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused A4 has already been granted bail by the Sessions Court, that the the petitioner is not having any previous case prior to the present case for similar or serious offence and that the petitioner is in judicial custody from 24.09.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamdrum, Tirunelveli District, and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/12/2021

/ 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
AMBASAMDRAM, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAIL,
TIRUNELVELI DISTRICT..
- 4 THE INSPECTOR OF POLICE
AMBASAMDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.18939 of 2021
Date :02/12/2021

SA/PN/SAR.2/02.12.2021/3P/6C