



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4566 of 2022

Manikandan

... Petitioner/A-1

versus

State rep. by
The Inspector of Police,
T-3 Korattur Police Station,
Chennai District.
(Crime No.1201 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending in Crime No.1201 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyas

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner/A-1, who was arrested and remanded to judicial custody on 25.12.2021 for the offences punishable under Sections 341, 294(b), 324, 336, 427, 307 and 506(ii) of IPC in Crime No.1201 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant's wife was in illicit relationship with the petitioner, due to which, there was a wordy quarrel between the petitioner and the de facto complainant. Subsequently, the petitioner attacked the de facto complainant with a knife and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a parentless person and he is having only his grandmother and now, she is in death-bed. It is his specific submission that the petitioner is in judicial custody from 25.12.2021 onwards. Further, it is a case of case in counter. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioner is having 7 previous cases. However, she admits that, in the alleged occurrence, the petitioner also sustained injury, for which, another case has been registered in Crime No.1202 of 2021 under Sections 341, 294(b), 336, 427, 392 and 506(2) of IPC.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioner for the offences punishable under Sections 341, 294(b), 324, 336, 427, 307 and 506(ii) of IPC. Admittedly, it is a case of case in counter. Though the petitioner is having 7 previous cases, those cases are registered prior to 4 years from the date of occurrence. It is the specific submission made by the learned counsel for the petitioner that, the grandmother of the petitioner is in death-bed and the petitioner is the only person, to perform her final rites. In order to substantiate the same, he has produced the photographs of petitioner's grandmother. Apart from that, the petitioner is in judicial custody from 25.12.2021.

6. Therefore, taking note of the above said aspects into consideration, particularly considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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, Ambattur;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(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 Judicial 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/-

25/02/2022

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-3 KORATTUR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary charges Sr.2920

CRL OP.4566/2022

Date :25/02/2022

RVR 25/02/2022