



WEB COPY



CrI.OP.No.20802 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.20802 of 2022

Manikandan

...Petitioner

Vs.

State rep by its
The Inspector of Police,
Ammamet Police Station,
Ammamet,
Salem District,
Crime No.453/2022.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.453 of 2022 on the file of the Inspector of Police, Ammapet Police Station, Ammapet, Salem District.

For Petitioner :Mr.R.Muruga Bharathi

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.08.2022 for the offences punishable under Sections **147**,



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294(b), 323 and 307 of IPC in Crime No.453 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during temple festival, there was a wordy quarrel between the *de-facto* complainant and petitioner, wherein the petitioner along with other accused persons assaulted the *de-facto* complainant and others. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital on 15.08.2022 and there is a case in counter. However, he vehemently opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case



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and also the period of incarceration by the petitioner from the date of his arrest i.e., 15.08.2022, this Court is inclined to grant bail to the petitioner. 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-5, Salem, Salem District**, 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. for a period of four weeks and thereafter as and when required for interrogation.

[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.**



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State of Kerala [(2005)AIR SCW 5560].

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

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-No-5,
Salem, Salem District.
- 2.The Inspector of Police,
Ammamet Police Station,
Ammamet,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

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