



Crl.O.P.No.22018 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22018 of 2022

Pokkiri Manikandan @ Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gangavalli Police Station,
Salem District.

(Crime No.230 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.230 of 2022 on the file of the respondent Police.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.22018 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the alleged offences punishable under Sections 341, 294(b), 323, 392 & 506(2) of IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.230 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the de-facto complainant, who is the driver of the Tipper Lorry, and demanded a sum of Rs.50,000/- as mamool and abused him in a filthy language and assaulted the de-facto complainant and his friend, causing injuries and taken away a sum of Rs.5000/- and also damaged the wind shield of the lorry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he has got some previous cases, his name is mentioned as Pokkiri Manikandan. He would further submit that the present complaint has been foisted against the petitioner by



Crl.O.P.No.22018 of 2022

the respondent Police in order to keep him in further detention. He would further submit that the petitioner is in custody from 24.08.2022. He would also submit that he has not been convicted in any of the cases and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender and he has 6 previous cases and he is also history sheeted in the respondent Police station in H.S.No.254 of 2018. He would further submit that as far as this case is concerned, the petitioner along with the other accused waylaid the de-facto complainant and abused him in a filthy language and assaulted him, caused injuries and taken away an amount of Rs.5000/- from him. Hence, he vehemently opposed to grant bail to the petitioner.

5. The previous cases against the petitioner are tabulated hereunder:-

<i>S.No</i>	<i>Crime No.</i>	<i>Sections</i>
1.	329/2014	147, 148, 294(b), 323, 354, 506(ii), 307 IPC
2.	330/2014	341, 323, 506(ii) r/w 307 IPC



Crl.O.P.No.22018 of 2022

<i>S.No</i>	<i>Crime No.</i>	<i>Sections</i>
3.	154/2015	147, 148, 294(b), 323, 324, 354, 307 IPC
4.	257/2021	4(1)(aaa) TNP Act
5.	151/2021	4(1)(a) & 4(1-A) TNP Act
6.	215/2022	12 of TNG Act

6. At this juncture, the learned counsel for the petitioner would submit that as far as previous cases are concerned, they are under the TNP Act and 307 IPC and only in order to keep the petitioner under the clutches of law, the present case has been filed. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and ready to stay away from the jurisdictional limit of the respondent and he prays for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case and considering that the previous cases are for the offence under



Crl.O.P.No.22018 of 2022

Sections TNP Act & 307 IPC, this Court is inclined to grant bail to the petitioner.

9. 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 II, Attur**, 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 stay at Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., 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



Crl.O.P.No.22018 of 2022

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 abscond, a fresh FIR can be registered under Section 229A IPC.

21.09.2022

ham



Crl.O.P.No.22018 of 2022

WEB COPY

To

1. The Judicial Magistrate II, Attur.
2. The Inspector of Police,
Gangavalli Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Sub Jail,
Attur.
5. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram.
6. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22018 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.22018 of 2022

21.09.2022