



Crl.OP.No.24978 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No.24978 of 2022

Manikandan

... Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.

(Crime No.242/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.242 of 2022 on the file
of the respondent.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.07.2022 for the offences punishable under Sections 341 and 302 of IPC, in Crime No.242 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was previous enmity between the accused and the de-facto complainant for the past 20 years on account of the land dispute. While so, on 24.07.2022 while the deceased, who is the son of the de-facto complainant was returning back home in his two wheeler, the accused had waylaid and assaulted him with Koduval resulting in him sustaining grievous injuries and he died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application and on an earlier occasion, in a bail application in Crl.O.P.No.23096 of 2022, dated 23.09.2022, this Court, stating that the investigation is pending and there are two previous case as against the present petitioner, has been dismissed the bail in respect of this



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petitioner and considered in respect of A1 and A3. He would further submit that with respect to the previous cases pending as against the petitioner is for the offence under Section 324 IPC and there is no offence of murder and also state that the major part of the investigation is over. He would also state that though it is stated that there are eye witnesses to the occurrence, but none of them had given a complaint and the complaint has been given by the de-facto complainant only on account of the previous enmity. He would further submit that the petitioner is in custody from 24.07.2022. Therefore, 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 and along with the other accused, on account of existing enmity have waylaid the de-facto complainant's son and indiscriminately cut him by Koduval resulting in him sustaining grievous injuries and died on the spot. He would also submit that there are two previous cases against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 No.I, 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 Chennai and



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report before the Inspector of Police, North Beach Police Station, Chennai daily at 10.30 a.m., and 05.30 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 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.

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To

1. The Judicial Magistrate No.I, Attur.
2. The Sub Inspector of Police,
Attur Rural Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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