



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4254 of 2022

Manikandan ... Petitioners/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thanjavur T.M.C.H. Police Station,
Thanjavur District.
(Crime No.05/2022)

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.05 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 05.01.2022 for the offences punishable under Sections 294 (b), 336, 506(ii), 427 and 379 IPC, in Crime No.05 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.01.2022 at about 11.15 p.m., when the de-facto complainant was sleeping in his house, the accused persons trespassed into the house and damaged the windows by stone. When the same was questioned by the de-facto complainant, they again damaged his car and assaulted him with stone and threatened him with dire consequences and snatched the mobile phone from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the de-facto complainant is a practising Advocate and due to previous enmity, the present case has been foisted against the petitioner. He would further submit that the co-accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.2146 of 2022,



4.The learned Additional Public Prosecutor would submit that the petitioner is having three previous cases, including one case under NDPS Act and other cases under Sections 337 and 304(A) IPC.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 05.01.2022 and also the fact that the property has been recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of crime No.05 of 2022 before the learned Judicial Magistrate No.II, Thanjavur, without prejudice to his rights and contentions before the trial Court.

7.On such deposit, 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.II, Thanjavur.

(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., for a period of one month and thereafter as and when required for interrogation;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/03/2022

/ TRUE COPY /

/ /2022
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 NO.II,
THANJAVUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
THANJAVUR T.M.C.H. POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4254 of 2022
Date :04/03/2022

SJI
MK/PN/SAR.IV/04.03.2022/3P/6C