



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

Date : 05/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.6922 of 2022

Manikandan

...Petitioner/Accused No.2

Vs

1. The State Rep. By,
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr.No. 225 of 2021.

... Respondent/Complainant

2. I.Vincentraja

... Petitioner/Intervenor
IN CRL MP(MD) No.5023/2022

For Petitioner : M/s.Uthayakumar A, Advocate.

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

For Intervenor : Mr.D.Senthil, Advocate

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

PRAYER :-

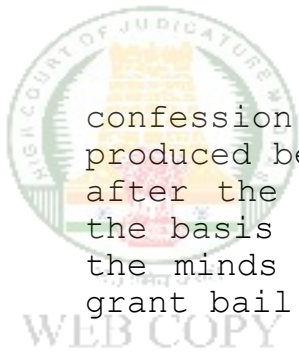
For Bail in Crime No.225 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 02.04.2022 for the offences punishable under Sections 447 and 435 of IPC @ 120(b), 109, 452, 435 of IPC and Section 4 of TNPPDL Act in Crime No.225 of 2021, on the file of the respondent police, seeks bail.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervenor.

3.The petitioner herein is the second accused for the offences under Sections 447 and 435 of IPC, which was later altered into Sections 120(b), 109, 452 and 435 of IPC and Section 4 of TNPPDL Act. The offences have been altered on 31.03.2022 based on the confession statement of the co-accused, dated 01.04.2022. Both the



confession statement as well as the alteration report have been produced before this Court. Apparently, the confession statement was after the offences were altered and hence, could not have been on the basis of the statement of the co-accused. This raises doubt in the minds of the Court and accordingly, this Court is inclined to grant bail to the petitioner herein.

4. In the light of the above observations, 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, Paramakudi, Ramanathapuram District.

(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]***.

sd/-

05/05/2022

/ TRUE COPY /

05/05/2022

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,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE OFFICER-INCHARGE,
SUB JAIL, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

4. THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK, POLICE STATION,
RAMANATHAPURAM DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.UTHAYA KUMAR, Advocate (SR-4327[I] dated
05/05/2022)

ORDER
IN
CRL OP(MD) No.6922 of 2022
Date :05/05/2022

sjj/lm
USK/JM/SAR-III/05.05.2022/3P/7C