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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19805 of 2022

Mootai Mani @ Manikandan

... Petitioner/Accused No.3

Vs

State Rep.by

The Inspector of Police,

Thanjavur Medical College Police Station,

Thanjavur District.

(Crime No.994/2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi Selvaraj S, 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 Cr.No.994/2022 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 04.08.2022 for the offences punishable under Sections 147, 148, 294(b), 506(ii) of IPC and 25 (1-A) of Arms Act, in crime No.994 of 2022 on the file of the respondent police, seeks bail.

2.The defacto complainant lodged a complainant stating that he is running a hotel for monthly rental basis along with one Venkatesan. on 15.10.2022, at about 05.00 p.m, the petitioner along with other accused said to have trespassed in to the hotel and enquired the whereabouts of his owner namely, Rajmohan by showing long knife and threatened him with dire consequences. 3 days prior to lodging complaint, the above said Rajmohan was murdered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.08.2022, hence he may be released on bail.

<https://www.mca.gov.in/Files>



4.The learned Additional Public Prosecutor would submit at totally 4 accused are involved in this case. The petitioner was arrayed as A3. 4 witnesses have been examined. The petitioner is having 8 previous cases. Hence, he strongly opposed to grant bail to the petitioner.

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5.Considering the period of incarceration and also considering the fact that 4 witnesses have been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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.2, 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., until further orders;

(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/-

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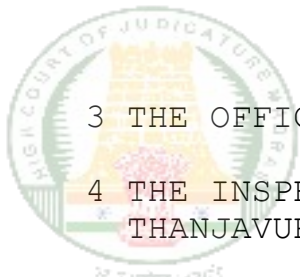
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.2, THANJAVUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE, THANJAVUR MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13198[I] dated
17/11/2022)

ORDER

IN

CRL OP(MD) No.19805 of 2022

Date :17/11/2022

DSS

RS/VR/SAR.(17.11.2022) 3P-7C