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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21613 of 2022

Manikandan @ Melbow Mani

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
in Cr No.683/2022

... Respondent/Complainant

For Petitioner : Mr.Eashwar T, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr No.683/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 22.09.2022 for the offence punishable under Sections 147, 148, 294(b), 341, 342, 307 of I.P.C in Crime No. 683 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the brother of the victim. On 22.09.2022, A1 taken away the cell phone of one Sanjay, who is the friend of the victim. The same was informed to the victim and the defacto complainant. In turn, they went to the place of the A1 and seized the said cell phone from him. At that time, the accused persons said to have abused them in filthy language, attacked them with aruval and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since the petitioner is the friend of A1. He is noway connected with the offence. There is no specific overt act against the petitioner. The co-accused has been released on bail, as per



order of this Court in Crl.O.P(MD)No.20523 of 2022 dated 25.11.2022. The petitioner is in judicial custody from 22.09.2022. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that though there was specific allegations as against A1, the petitioner also present in the scene of occurrence. In this case, injured has been discharged from the hospital and the co-accused was released on bail by this Court. However, the petitioner is having 5 previous cases and the investigation is not yet completed. Hence, he strongly opposed to grant bail to the petitioner.

5.In response, the learned counsel for the petitioner submitted that out of five previous cases, two cases were registered for the offence under Sections 399 r/w 25(1) Arms Act, one case was registered for the offence under NDPS Act, one case was registered for the offence under 294(b) IPC and the other case was registered for the offence under Sections 336, 379, 427, 506(ii) I.P.C. Considering the period of incarceration and the release of co-accused, prays to release the petitioner on bail.

6.Heard both sides. Taking into consideration the facts and circumstances of the case and considering the facts that the period of incarceration undergone by the petitioner, that the injured was discharged from the hospital and also that the co-accused has been released on bail by this Court, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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.II, Thanjavur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

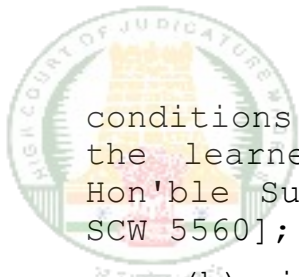
(c) the petitioner shall stay at Dindigul and report before the Dindigul Taluk Police Station daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 or 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2022

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07/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION, DINDIGUL.

+1. CC to M/S.EASHWAR T Advocate SR.No.14507

**ORDER
IN**

CRL OP(MD) No.21613 of 2022
Date :07/12/2022

PNM
SA/VR/SAR. /07.12.2022/3P/8C