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Crl.O.P.No.3769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.3769 of 2023

1. Mani @ Manikandan,
S/o. Kaliyamoorthy

2. Rahul,
S/o. Ramesh

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Manalmedu Police Station,
Manalmedu, Mayiladuthurai Dt.
(Crime No.14 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.14 of 2023 pending on the file of respondent police.

For Petitioners	:	Mr.V.Vinothkumar
For Respondent	:	Mr.S.Vinoth Kumar, Govt. Advocate (Crl.Side.)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.01.2023 for the alleged offence under Sections 294(b) 324, 307 and 506(ii) of I.P.C. in Crime No.14 of 2023 on the file of the respondent police, seek bail.

2. The case of prosecution is that due to previous enmity, on 13.01.2023, there was a wordy quarrel between the petitioners and defacto complainant, thereby they scolded him in filthy language and attacked him with knife and wooden log, due to which, he sustained injuries and admitted in hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that the entire allegations against them is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any



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condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 36 days from 14.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are 3 accused involved in this case and both the petitioners are having one previous case of Sec.324 of I.P.C. pending against them and they are arrayed as A1 and A2. He would submit that on the date of occurrence, there was a wordy quarrel between them, thereby they attacked the defacto complainant with knife and wooden log, due to which he sustained injuries and he was admitted in hospital for treatment and subsequently, he was discharged from the hospital. He would submit that if they are released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also the fact that injured discharged from the hospital and on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) into the credit of Crime No.14 of 2023 before the concerned Magistrate from the date on which this order is made ready and the victim is permitted to withdraw the said deposit amount on production of proper identification and acknowledgement** and on such deposit, the petitioners are 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, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Mayiladuthurai**, and on further conditions that:



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(a) 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;

(b) the petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of six weeks;

(c) the petitioners shall not leave India without consent of court concerned.

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

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

(f) the petitioners 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 petitioners in accordance with law



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as if the conditions have been imposed and the petitioners 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];

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

20.02.2023

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To

1. The Judicial Magistrate No.I,
Mayiladuthurai.
2. Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai Dt.
3. The Superintendent of Prison,
Sub-Jail, Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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