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CrI.O.P.No.3865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

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

CrI.O.P.No.3865 of 2023

Manikandan

... Petitioner

Vs.

The State Rep.by,
Inspector of Police,
Nagapattinam police station,
Nagapattinam District.
(Crime No.42 of 2023)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail in Cr.No.42 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.01.2023 for the offences punishable under Section 386 of IPC r/w



25(1A) of Indian Arms Act, 1959 in Cr.No.42 of 2023 on file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the information, the respondent police went to the scene of occurrence and there the petitioner had extorted the defacto complainant and threatened public with 2 ½ feet billhook. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner had extorted the defacto complainant and threatened public with 2 ½ feet billhook. He would submit that there is one previous case pending against this petitioner. If the petitioner is released on bail, he will commit similar offence again and he vehemently opposed to grant bail to the petitioner.



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5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from 31.01.2023 and the stage of investigation, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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, out of which, one must be a blood related surety, each for a like sum to the satisfaction of **learned Judicial Magistrate Court No.I, Nagapattinam** and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioner shall report before the respondent police station daily at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

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

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

(e) 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

24.02.2023

gbi



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To

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- 1.The Judicial Magistrate Court No-I,
Nagapattinam.
- 2.The Inspector of Police,
Nagapattinam police station,
Nagapattinam District.
- 3.The Jailer,
District Prison, Nagapattinam.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

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