



Crl.O.P.No.4029 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2023

CORAM :

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

Crl.O.P.No.4029 of 2023

N.Manikandan,
S/o.Nagesh

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
B4 Sevvapet Police Station,
Tiruvallur Dt.
(Crime No.57 of 2023)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.57 of 2023 pending on the file of respondent police.

For Petitioner : Mr.D.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2023 for the alleged offence under Sections 294(b), 324, 427, 307 and 506(ii) of I.P.C. in Crime No.57 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 01.02.2023, around 10.00 p.m., the petitioner along with other accused said to have brutally attacked the defacto complainant as if he has informed about their illegal sand theft, thereby he sustained grievous injuries and he was admitted in hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the defacto complainant and co-accused are relatives and he used to encroach the land belong to the co-accused for the past one year and whenever he questioned him, the defacto complainant would abuse him and his wife in



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a filthy language without any cause and the same was happened on the date of occurrence. So, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 19 days from 02.02.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 4 accused involved in this case and the petitioner is arrayed as A2. He would submit that on the date of occurrence, there was a quarrel between two groups in view of sand theft, thereby the petitioner along with other accused attacked the defacto complainant and also assaulted him with iron rod, thereby he sustained grievous injuries and he was admitted in hospital for treatment and subsequently, he was discharged from the hospital. He would submit that that if he is released on bail, he would tamper the witnesses and



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hamper the investigation and the investigation is almost completed.

Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) into the credit of Crime No.57 of 2023 before the concerned Magistrate from the date on which, the order is made ready and the victim is permitted to withdraw the said deposit amount on proper identification and acknowledgement** and on such deposit, 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-II, Tiruvallur**, and on further conditions that:

(a) the sureties shall affix their photographs and Left



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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 petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for period of eight weeks;

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

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

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

(f) 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 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];



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

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To

1. The Judicial Magistrate-II,
Tiruvallur.
2. Inspector of Police,
B4 Sevvapet Police Station,
Tiruvallur Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.



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